

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2389

Wednesday, September 1, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, August 27, 2004 at 4:00 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, 1st Vice Chair Jackson called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of August 4, 2004, Meeting No. 2386

On **MOTION** of **HARMON** the TMAPC voted 7-0-1 (Coutant, Harmon, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; Bayles "abstaining"; Carnes, Ledford, Westervelt "absent") to **APPROVE** the minutes of the meeting of August 4, 2004, Meeting No. 2386.

REPORTS:

Director's Report:

Mr. Alberty reported that staff is updating the Subdivision Regulations. The committee will be meeting on September 21, 2004.

Mr. Westervelt in at 1:33 p.m.

Mr. Alberty requested Mr. Romig to give a report on the 71st and Harvard (F&M Bank) court case. In response, Mr. Romig stated that the Planning Commission voted to approve the rezoning to IL and the PUD in order to allow F & M Bank to be built. The property owners protested and the questions became whether it was sufficient to trigger the supermajority requirement at the City Council level. Staff and Legal went through a long process to determine which signatures were valid, and staff recommended to the City Council that the supermajority requirement was not necessary. The City Council asked for a recommendation from the Planning Commission on how the process should be refined in order to prevent this type of conflict in the future. At the worksession, Legal recommended that the supermajority be eliminated from the ordinance because it conflicts with the City Charter. This issue became the driving issue in this particular case and yesterday Judge Gassett ruled that the ordinance does indeed conflict with the City Charter requirement. The Charter requires ordinances be adopted by a majority of the Council and the supermajority requirement is done by ordinance. That would be an ordinance amending the Charter, which is not appropriate, and the Judge agreed.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Romig where the case stands today with regard to other action on the subject property. In response, Mr. Romig stated that the Planning Commission will see a final plat.

Mr. Horner asked Mr. Romig if the court case would be appealed. In response, Mr. Romig stated that the opposition announced that they would appeal the Judge's decision. Mr. Horner complimented Mr. Romig for his work on this case. In response, Mr. Romig stated that he would have to thank Mr. Patrick Boulden and Rozella Jones.

* * * * *

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19712 – David Ellis (9303)

(PD 5) (CD 4)

5711 East 11th Street

STAFF RECOMMENDATION:

The applicant has applied to split a 200' x 300' parcel into two tracts. The proposed is zoned CH, which has no bulk and area requirements. However, according to the Major Street and Highway Plan, East 11th Street is a secondary arterial, requiring 100' of street right-of-way, 50' on either side of the center line. Currently, only 35' of right-of-way has been given along East 11th Street. Because the existing structure is 14.9' from the existing right-of-way, the

applicant is seeking a waiver of Section 6.5.1.(c)(3) of the Subdivision Regulations.

At its August 19, 2004, meeting the Technical Advisory Committee (TAC) recommended that the 15' of street right-of-way be given to the City of Tulsa, with a 30' radius on the corner of East 11th Street and South Hudson Avenue, with the exception that 13.9' be given along the existing building on the southeast corner of the property.

Therefore, staff recommends **APPROVAL** of the waiver of *Subdivision Regulations* for 1.1' of required right-of-way on East 11th Street along the existing structure on the southeast corner of the property, and recommends **APPROVAL** of the lot-split, with the condition that the remaining 15' of right-of-way be given to the City of Tulsa along East 11th Street, including a 30' radius on the northeast corner of East 11th Street and Hudson Avenue and that the existing glass entryway on the southwest corner of the building be removed.

TMAPC COMMENTS:

Mr. Westervelt asked why not require the entire right-of-way and grant a license agreement on the 15 feet, in case the building ever comes down sometime in the future. In response, Ms. Chronister stated that it was never discussed at the TAC meeting. She explained that on the southwest corner of the subject building is a glass entry and the owners have indicated that they are in agreement with taking it down.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to **APPROVE** he waiver of *Subdivision Regulations* for 1.1' of required right-of-way on East 11th Street along the existing structure on the southeast corner of the property, **APPROVE** the lot-split, with the condition that the remaining 15' of right-of-way be given to the City of Tulsa along East 11th Street, including a 30' radius on the northeast corner of East 11th Street and Hudson Avenue and that the existing glass entryway on the southwest corner of the building be removed per staff recommendation.

FINAL PLAT:

Bank of Oklahoma Tech One – (9327)

(PD 18B) (CD 7)

Southwest corner of East 41st Street and Sheridan Avenue

STAFF RECOMMENDATION:

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

All release letters have been received for this final plat and staff recommends **APPROVAL** of the final plat for Bank of Oklahoma Tech One.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to **APPROVE** the final plat for Bank of Oklahoma Tech One per staff recommendation.

PRELIMINARY PLAT:

Stonegate II – (9425)

(PD 17) (CD 6)

North and east of the northeast corner of East 51st Street and 177th East Avenue

STAFF RECOMMENDATION:

This plat consists of 78 lots, six blocks, on 26.7 acres.

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

1. **Zoning:** The property is zoned RS-3. Put areas on all lots. Make sure that setbacks per the Zoning Code are shown correctly.

2. **Streets:** LNA language of Section II.D does not pertain. Make consistent use of upper or lower case letters in street abbreviations. Cut all stub streets perpendicular rather than diagonal. The rectangular detention design (Reserve A) creates a potential for an over-length block for 46th Street in the next phase. Correct various errors in the curve data table. The collector street system appears satisfactory. Add prefix to north/south street names. Please show point of beginning on plat.
3. **Sewer:** If the Stonegate plat has been filed prior to this plat, then the proposed easements along the west boundary line will be sufficient. If not, then a 17.5-foot perimeter easement will be required. All lots along the east boundary line will require a 17.5-foot perimeter easement. The easement along the north property line of Lot 3, Block 2 must be a minimum of 15 feet to accommodate the proposed sanitary sewer line. Add a manhole to the proposed sewer line between Block 4 of Stonegate II and Block 7 of Stonegate so the line will be in the center of the 15-foot easement. All sewer lines must be in an easement at least 15 feet in width. Easement will also be required for the proposed off-site line connecting to the existing manhole in Stone Creek Farms II. Since that line is currently under construction, contact that engineer to build proposed manhole now and provide stub out for future connection. Also need to provide documentation that the existing eight-inch will have the capacity to serve this area. The development will be required to pay \$700.00 per acre system development fees for the City of Broken Arrow and excess capacity fees of approximately \$650.00 per acre.
4. **Water:** All water mains with less than ten feet horizontal separation from SD mains will be ductile iron pipe. Extend building line across Lot 4, Block 2.
5. **Storm Drainage:** The contours and easements from the Stonegate preliminary plat do not match those shown for the same area on this plat. Easements that are for storm sewers only should be labeled with SD/E, and this symbol must be added to the legend. The areas required for storm sewer easements, overland drainage easements, and stormwater detention easements must be separated from each other and delineated, even if all of the above are located within Reserve A. All overland drainage easements (ODE's) for this subdivision are not located in Reserve A. If any off-site drainage is flowing onto this site, it must be picked up in ODE's, at the property line, and must be conveyed to drainage inlets and/or to the stormwater detention facility. Please check to ensure that the drainage passing lot to lot is collected and conveyed to the street through an ODE by a swale to an inlet, or is picked up in an inlet and is piped to the public drainage system at approximately four to five lot intervals for Block 5, Lots 1-77; and Block 6, Lots 1-11 and Lots 12-22; and Block 3, Lots 1-9. Please revise Article II.B. to be "Owner responsibility to water mains, sanitary sewers, and storm sewer services", and use the standard language. In

Section III, as stated in the plat comments, please separate storm sewer from ODE. Neither the overland drainage easement, nor the reserve area are for conveyance in a floodplain. Therefore, the overland drainage easement should not be placed in the same reserve as the stormwater detention facility, without clearly showing and labeling the boundaries between the two. Use standard language for the overland drainage easement (if applicable) and for the stormwater detention facility. The reserve should be for the detention facility only and use standard language in Section IV. There is not enough drainage information shown on this plan to use it for a preliminary plat review. Add drainage inlets, outlets, manholes, swales, channels, detention facilities, legend, and easements for all of the above. Also show both on-and off-site contours. Plat and covenant comments also apply to the information shown on the conceptual improvement plan. The conceptual plan indicates that the area between Lots 5 and 6 of Block 2 is for an outlet storm sewer. If this is the intent, then it should be shown and labeled as storm sewer easement, not as part of the stormwater detention reserve. Please revise the label for Reserve A to say "Stormwater Detention Easement". Language should be put in the covenants to take care of roof drainage.

6. **Utilities: Valor:** Plat is okay.
7. **Other: Fire:** No comment. Per our referral, the City of Broken Arrow has sent a letter on the plat (attached). The engineers' e-mail address needs to be inserted. Staff recommends combining this plat with the Stonegate plat to create just one plat for the entire area. Off-site easements shown along the eastern boundaries of the lots in this subdivision must be shown with different line weights than the easements being platted, and must be noted to be done by separate instrument. *The applicant is in agreement with the final plat being processed with both phases of development.* The location, where Lots 1 and 3 of Block 2 intersect with Reserve A, has a very confusing easement configuration. Please review the plat to be more definitive in this area. Please add the date of preparation to the plat (lower right corner).

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; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to **APPROVE** the preliminary plat for Stonegate II, subject to special conditions and standard conditions per staff recommendation.

Authorization to Release Accelerated Building Permits:

Midtown Center (formerly Skelly Drive Center) – (9327) (PD 18) (CD 7)

5300 East Skelly Drive, "Bed, Bath and Beyond" and "Best Buy"

STAFF RECOMMENDATION:

This request is for accelerated building permits in the Midtown Center. The requests are for shell building permits for new Best Buy and Bed Bath and Beyond stores.

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 was approved on March 3, 2004 by TMAPC. A detail site plan was approved by TMAPC at the August 18, 2004 meeting. The accelerated permits can be considered if the preliminary plat has been approved.

The Technical Advisory Committee did not object to the proposal. There will be a water main extension required as well as a stormwater detention facility. The sanitary mainline extension construction must be complete and accepted by the City of Tulsa for taps before any water or sewer service taps will be granted.

Staff can recommend **APPROVAL** of the authorization for an accelerated building permit only to the shell phase of development. The permits must be granted in accordance with the approved detail site plans. The development is retail in nature and the project plat is complex for these sites to be considered for accelerated permits.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

an ambulatory surgery center (also in Area B-1-A), physical therapy/health club facility (in Area B-1-B) and additional surfaced parking. This application is to allow the physical therapy/health club to operate under a separate entity and structure from the existing medical building and proposed ambulatory surgery center. The separation of Development Area B-1 into three subareas, B-1-A, B-1-B and B-1-C, is therefore necessary.

The land area is 5.739 acres. The applicant is proposing the following development standards.

DEVELOPMENT AREA "B-1-A"

LAND AREA (NET): 5.739 acres

PERMITTED USES:

Uses permitted in Use Unit 11, Offices, Studios and Support Services; 12, Eating Establishments Other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 17, Automotive and Allied Activities (Vehicle Repair and Service Only); 19, Hotel, Motel and Recreation Facilities; 21, Business Signs and Outdoor Advertising; 22, Scientific Research and Development, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

Uses permitted in Use Units 12, 13, 14 and 17: 66,447 SF

Uses permitted in Use Units 11, 19 and 22 249,843 SF

MINIMUM LOT FRONTAGE (MEASURED AT BUILDING SETBACK LINE): 50 FT

MAXIMUM BUILDING HEIGHT: None

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of S. 109th E. Ave. 55 FT

From (existing) Development Area "B-2" boundary 10 FT

From (proposed) Development Area "B-1-B" boundary 0 FT

From the detention facility access easement (20 foot wide easement) 0 FT

MINIMUM LANDSCAPED OPEN SPACE:

As required by Section 1104.E of the Tulsa Zoning Code.

SIGNS:

All business signs, whether wall or ground, shall meet the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

DEVELOPMENT AREA "B-1-B"

LAND AREA (NET): 2.836 acres

PERMITTED USES:

Uses permitted in Use Unit 11, Offices, Studios and Support Services; 12, Eating Establishments Other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 17, Automotive and Allied Activities (Vehicle Repair and Service Only); 19, Hotel, Motel and Recreation Facilities; 21, Business Signs and Outdoor Advertising; 22, Scientific Research and Development, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

Uses permitted in Use Units 12, 13, 14 and 17: 32,842 SF

Uses permitted in Use Units 11, 19 and 22: 123,486 SF

MINIMUM LOT FRONTAGE (MEASURED AT BUILDING SETBACK LINE): 30 FT

MAXIMUM BUILDING HEIGHT: None

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of S. 109th E. Ave. 55FT

From (proposed) Development Area "B-1-A" boundary 0 FT

From (proposed) Development Area "B-1-C" boundary 10 FT

From the detention facility access easement (2-foot wide easement) 0 FT

MINIMUM LANDSCAPED OPEN SPACE:

As required by Section 1104.E of the Tulsa Zoning Code.

SIGNS

All business signs, whether wall or ground, shall meet the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

DEVELOPMENT AREA "B-1-C"

LAND AREA (NET) 7.967 acres

PERMITTED USES:

Uses permitted in Use Unit 11, Offices, Studios and Support Services; 12, Eating Establishments Other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 17, Automotive and Allied Activities (Vehicle Repair and Service Only); 19, Hotel, Motel and Recreation Facilities; 21, Business Signs and Outdoor Advertising; 22, Scientific Research and Development, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

Uses permitted in Use Units 12, 13, 14, 16 and 17: 92,240 SF

Uses permitted in Use Units 11, 19 and 22 346,821 SF

MINIMUM LOT FRONTAGE (MEASURED AT BUILDING SETBACK LINE): 50 Feet

MAXIMUM BUILDING HEIGHT None

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of S. 109th E. Ave. 55 FT

From the west property line and all adjacent PUD Development Area boundaries 10 FT

MINIMUM LANDSCAPED OPEN SPACE:

As required by Section 1104.E of the Tulsa Zoning Code.

SIGNS:

All business signs, whether wall or ground, shall meet the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

The TAC reviewed the proposal at its August 19, 2004 meeting and it was agreed that the applicant would submit a declaration of mutual access and parking easement, which has been developed (and attached). With that, staff can support the requested minor amendment and recommends **APPROVAL** of PUD-312-A-5.

Applicant's Comments:

Darin Akerman, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he is in agreement with the staff recommendation; however, the Development Area B-1-C is missing from the staff recommendation and should be added to the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to **APPROVE** the minor amendment for PUD-312-A-5 per staff recommendation.

RELATED ITEM:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19727 – Sisemore Weisz & Associates (9430) (PD 18) (CD 5)

Northwest corner of East 48th Street and 109th East Avenue

STAFF RECOMMENDATION:

Staff reviewed this lot-split and recommends **APPROVAL**.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

ZONING PUBLIC HEARING

Application No.: Z-6953/PUD-707

AG TO RS-3/RD/OL/PUD

Applicant: Randall S. Pickard

(PD-26) (CD-8)

Location: West of northwest corner of East 111th Street and South Memorial

STAFF RECOMMENDATION:

Z-6810/PUD-646 July 2001: An application was filed to rezone a 35 -acre tract located north and east of the northeast corner of East 111th Street South and South Sheridan Road from AG to RS-2 and PUD. The request for RS-2 zoning was denied and RE zoning was recommended with a maximum of 20 lots if the development provided only one access point. The applicant revised the request by including an additional 4.1 acres of land and TMAPC and City Council approved RS-1 zoning and approved the PUD for a maximum of 30 lots with two points of access being provided.

Z-6730/PUD-627 March 2000: A request to rezone a ten-acre tract located on the southwest corner of East 108th Street South and South Sheridan Road from AG to RS-2/PUD. Staff and TMAPC recommended denial of RS-2 zoning and recommended approval of RS-1 and the Planned Unit Development for residential development.

Z-6753/PUD-450-A March 2000: A request to rezone a 4.5-acre tract located on the southwest corner of East 111th Street and South Sheridan Road from an underlying zoning of CS with a PUD for commercial development to RS-4/PUD for a single-family residential development. All concurred in approval of the rezoning and amended development standards.

Z-6722/PUD-619 November 1999: A request to rezone a 34-acre tract located on the west side of South Memorial Drive and south of East 101st Street from AG to CS, OL, RS-3/PUD for a mixed use development. All concurred in approval subject to City Council modifications.

Z-6700/PUD-611 June 1999: All concurred in approval of a request to rezone a twenty-acre tract located east of the northeast corner of South Granite Avenue and East 111th Street South from AG to RS-2 to PUD.

BOA-17978 March 1998: The Board of Adjustment approved a variance to allow two dwelling units on one lot of record and a special exception to allow a manufactured home in an AG zoned district on the subject tract.

PUD-578 February 1998: A request for a Planned Unit Development on a 35.7-acre tract located at the northwest corner of East 111th Street South and South

Memorial Drive for commercial and mixed dwelling type residential development. All concurred in approval subject to modifications.

Z-6249/PUD-450 July 1989: A request to zone a 3.5-acre tract located on the southwest corner of East 111th Street South and South Sheridan Road from AG to CS/PUD for commercial shopping center. All concurred in approval subject to conditions.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is gently sloping, partially-wooded, contains two dwellings, a horse stable and riding facilities, and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 111 th Street South	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north by single-family dwellings and wooded vacant land, zoned AG; to the east by a vacant tract zoned RS-3 and beyond the RS-3 is RM-1 and CS zoning with commercial uses and zoned RS-3/RM-1/CS/PUD-578-A; to the south and west by vacant land, 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 Low Intensity – No Specific land use. According to the Zoning Matrix, the requested RS-3 **is** in accord with the Plan and the requested RD and OL **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and development trends in the area, staff can support the requested RS-3, RD and OL if the TMAPC deems it appropriate to recommend approval of the accompanying PUD-707 or some variation thereof. With that caveat, staff recommends **APPROVAL** of RS-3, RD and OL for Z-6953.

RELATED ITEM:

PUD-707: West of the northwest corner of East 111th Street South and South Memorial Drive – Raven's Crossing.

This application proposes a mixed-use development with an office park, single-family residential and duplex uses. Currently riding stables, the 37.25-acre site is north of East 111th Street South and South Memorial Drive. The office park is to be low intensity, with three one-story office building in Development Area A. Development Area B will be a duplex development of 28 duplex dwelling units, and Area C will contain 42 single-family units with public street access, and part of a common area with a swimming pool. Area D will be a gated community of single-family residences and private streets. An abandoned cemetery is in the northern portion of Area D and access to relatives of the deceased will be provided. Private tennis courts and a clubhouse will be located adjacent to the cemetery.

The current zoning is AG and the applicant is requesting RS-3, RD and OL/PUD, consistent with the proposed uses as outlined above. The property is surrounded by a mix of AG, RS-3, RM-1 and CS zoning. As noted previously, the requested rezoning either **is** or **may be found** in accord with provisions of the District 26 Plan. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-707 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-707 subject to the following conditions:

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

DEVELOPMENT AREA A (Office Use)

LAND AREA:

Gross:	4.3388 acres	189,000 square feet*
Net:	3.9772 acres	173,250 square feet*

PERMITTED USES (to be allowed by right):

Those uses permitted in accordance with Use Unit 11 of the City of Tulsa Zoning Code (Offices, Studios and Support Services) and all Accessory Uses Permitted in the OL District per the City of Tulsa Zoning Code.

MINIMUM FRONTAGE 75 feet

MAXIMUM BUILDING FLOOR AREA (using .40 FAR): 75,600 square feet

.40 Floor Area Ratio per Section 1104.A.2 of the City of Tulsa Zoning Code

MAXIMUM BUILDING HEIGHT: 1-Story

Architectural elements and business logos may exceed maximum building height with Detailed Site Plan approval.

OFF-STREET PARKING:

As required by the applicable Use Unit of the City of Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

From the centerline of East 111 th Street	100.0 feet
From the east boundary of the PUD	17.5 feet
From the north and west boundaries of Development Area A	17.5 feet

* The internal boundaries of Development Area A may be adjusted by a minor amendment to the Raven's Crossing Planned Unit Development approved by the Tulsa Metropolitan Area Planning Commission.

LANDSCAPED AREA AND SCREENING

- (1) A Preliminary Landscape and Screening Concept Plan depicted on Exhibit H.
- (2) All landscaping and screening shall meet or exceed the requirements of the PUD Chapter and Landscape Chapter, or an alternative plan may be approved by TMAPC if they determine that, although not meeting the technical requirements of the Landscape Chapter, the plan is equivalent to or better than the requirements of the Landscape Chapter and also meets the requirements of the PUD Chapter. Appropriate screening shall be provided between the development area and the residential areas to the west and to the north. All landscaping and screening shall be approved by TMAPC.

- (3) A detail landscape plan for the development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscape materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

SIGNS:

- 1) Signage shall comply with Section 1103.B.2 of the City of Tulsa Zoning Code.
- 2) No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

LIGHTING:

- (1) Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs with movement shall be prohibited.
- (2) Lighting used to illuminate the development area shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or residential street right-of-way. No light standard or building-mounted light shall exceed 20 feet or the height which complies with the standard stated in the preceding sentence, whichever is lower.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

- (1) There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

- (2) No trucks or trailers shall be parked in the development area except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the development area.

AREA B (DUPLEX USE)

LAND AREA:

- Gross: 8.971 acres 390,781 square feet
- Net of Detention: 6.904 acres 300,781 square feet

PERMITTED USES:

Residential duplex dwellings, all accessory uses permitted by right for all R Districts in Section 402.A of the City of Tulsa Zoning Code, and storm water detention for the entire PUD.

MINIMUM LOT WIDTH 60 feet

MINIMUM LOT AREA 6,900 square feet

MAXIMUM NUMBER OF DUPLEX UNITS: 71 units

300,781 square feet divided by the minimum land area per dwelling unit (4,200 square feet), per Section 1104.A.1 of the Zoning Code.

MAXIMUM BUILDING HEIGHT: 35 feet

LIVABILITY SPACE PER DWELLING UNIT 2,000 square feet

Livability space is the open space on a lot that is not allocated to or used for of-street parking or loading areas or for paved access to the off-street or loading area.

MINIMUM BUILDING SETBACKS (from the lot line):

- Front Yard 25 feet
- Rear Yard 20 feet
- Side Yards (each) 5 feet

Provided, for each lot abutting a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet;

provided further, that garages which access this street shall be setback a minimum of 20 feet.

AREA C (SINGLE-FAMILY USE)

LAND AREA:

- Gross: 13.8516 acres 603,376 square feet
- Net: 13.3640 acres 582,140 square feet

PERMITTED USES:

Single-family residential dwellings and all accessory uses permitted by right for all R Districts in Section 402.A of the City of Tulsa Zoning Code.

MINIMUM LOT WIDTH 60 feet

MINIMUM LOT AREA 6,900 square feet

MAXIMUM NUMBER OF DWELLING UNITS: 71 units

603,376 square feet divided by the minimum land area per dwelling unit (8,400 square feet), per Section 1104.A.1 of the Zoning Code.

MAXIMUM BUILDING HEIGHT: 35 feet

LIVABILITY SPACE PER DWELLING UNIT 4,000 square feet

Livability space is the open space on a lot that is not allocated to or used for of-street parking or loading areas or for paved access to the off-street or loading area.

MINIMUM BUILDING SETBACKS (from the lot line):

- Front Yard 25 feet
- Rear Yard 20 feet
- Side Yards (each) 5 feet

Provided, for each lot abutting a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided further, that garages which access this street shall be setback a minimum of 20 feet.

AREA D (SINGLE-FAMILY USE)

LAND AREA:

- Gross: 10.3389 acres 450,364 square feet
- Net of Cemetery: 10.0889 acres 439,444 square feet

PERMITTED USES:

Single-family residential dwellings and all accessory uses permitted by right for all R Districts in Section 402.A of the City of Tulsa Zoning Code.

- MINIMUM LOT WIDTH 60 feet
- MINIMUM LOT AREA 6,900 square feet
- MAXIMUM NUMBER OF DWELLING UNITS: 52 units

439,444 square feet divided by the minimum land area per dwelling unit (8,400 square feet), per Section 1104.A.1 of the Zoning Code.

- MAXIMUM BUILDING HEIGHT: 35 feet
- LIVABILITY SPACE PER DWELLING UNIT 4,000 square feet

Livability space is the open space on a lot that is not allocated to or used for of-street parking or loading areas or for paved access to the off-street or loading area.

MINIMUM BUILDING SETBACKS (from the lot line):

- Front Yard 25 feet
- Rear Yard 20 feet
- Side Yards (each) 5 feet

Provided, for each lot abutting a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting the non-arterial public street shall not be less than 15 feet; provided further, that garages which access this street shall be setback a minimum of 20 feet.

OTHER DEVELOPMENT STANDARDS FOR RESIDENTIAL AREAS
OFF-STREET PARKING AND LOADING

Within the residential development areas, off-street parking and loading shall be provided as required by Section 1106 of the City of Tulsa Zoning Code.

SIGNS

An identification sign for each residential area shall be included in the landscape entry feature for each residential area. The identification sign locations are depicted on Exhibit H. Other signs shall be permitted in accordance with the accessory uses permitted for the applicable, underlying residential districts for each residential development area.

CEMETERY

The cemetery is "abandoned," and access will be provided to "any relative of the deceased" buried at the cemetery, consistent with Title 8, Oklahoma Statutes, Section 187, as such statute exists as of the date of approval of this planned unit development by the City of Tulsa.

OTHER DEVELOPMENT STANDARDS FOR ALL AREAS

TOPOGRAPHY, DRAINAGE AND UTILITIES

- (1) Topography. Raven's Crossing slopes east and west as shown on Exhibit E.
- (2) Drainage. On-site stormwater detention and drainage will be provided, as depicted on Exhibit F, or otherwise as required by the City of Tulsa Department of Stormwater Management, during the platting process.

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.

During construction on the property, the owners of the lots in the development areas will provide adequate and reasonable erosion control, and, after construction, they will provide and maintain vegetative, landscaped ground cover so that soil does not erode from the property across the south and west boundaries of the property onto the adjoining residential lots.

- (3) Utilities. An existing 12-inch water line is located at the southeast corner of the Property, as depicted on Exhibit E. An existing eight-inch sanitary sewer main is located along the north side of East 111th Street, as depicted on Exhibit E. Gas, electric, telephone and cable television services are available to Raven's Crossing.

ACCESS, CIRCULATION AND PARKING:

As shown on Exhibit G (Access and Traffic Circulation Plan), access to Development Areas A, B and C is provided by East 111th Street. There shall be a maximum of four access points to East 111th Street. Access to Development Area D is provided by a public street through Development Area C.

Pedestrian Access and Circulation is provided as depicted on Exhibit G.

All streets in Development Areas A, B and C shall be public streets. The street in Development Area D shall be a private street with gated access.

All private roadways shall have a minimum right-of-way of 30 feet and be a minimum of 26 feet in width for two-way roads and 18 feet for any 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 City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent. The City shall inspect all streets, including 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.

The proposed number of off-street parking for Development Area A and for the common areas in Development Areas C and D is shown on Exhibit A.

LANDSCAPING, SCREENING AND SIGNS

A preliminary landscape concept plan is depicted on Exhibit H. The plan includes the depiction of all required landscaping and screening. A detailed landscape plan will be provided, if required, which will include detailed depiction of landscaping, a table identifying the amount of required open space and landscaping for the development areas, depiction of sign locations and a table showing the number and size of business signs.

RESTRICTIVE COVENANTS; ENFORCEMENT

Restrictive covenants will be adopted and recorded for the Development Areas. Owners of the respective lots will be required by the covenants to keep and maintain the lots in a clean and professional manner (the "maintenance covenant"). The Maintenance Covenant will be enforced by the owners' association for each development area.

PERMIT PREREQUISITES

No zoning clearance permit shall be issued for a development area within the PUD until a detail site plan for the development area, which includes all buildings, parking, screening fences and landscape areas, has been submitted to the TMAPC and approved as being in compliance with the PUD development standards.

No building permit can 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.

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. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
9. 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.
10. 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.

TAC Comments for PUD-707/September 1, 2004:

Stormwater: - Exhibits E and F were given to the representatives at the TAC meeting for review. A proposed private quasi-regional detention facility could change the drainage plan for this PUD. Other comments may be forthcoming at later phases of review.

Wastewater: - Provide sanitary sewer access for all proposed lots.

Transportation: - Sidewalk required on 111th Street South and consider a possible connection with the proposed Fry Ditch Trail.

Traffic: - Recommend a public stub street to west (recommendation modified at TAC meeting upon review of properties and street configurations to the west). Incorporate a turnaround in the design of the southern gate entry area. The north/south collector street design appears satisfactory.

Fire: - Cul-de-sac must be 96' across. Private gates must have one side with 14' clearance.

Applicant's Comments:

Randall Pickard, 10051 South Yale, Suite 203, Tulsa, Oklahoma 74137, stated that he is in agreement with staff recommendation as written except he would like to make a slight modification. There is one TAC recommendation that he will try to work out during the actual platting process and he doesn't agree with it as stated. The staff recommendation stated "...that it was recommended approval subject to the final plat process". With that slight amendment he would agree with staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Midget, Miller "absent") to recommend **APPROVAL** of the RS-3/RD and OL zoning for Z-6953 and recommend **APPROVAL** of PUD-707, subject to conditions per staff recommendation.

Legal Description for Z-6953/PUD-707:

Tract A – a tract of land situated in the SW/4, SE/4 of Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Beginning at the Southeast corner of the SW/4, SE/4 of said Section 26, thence N 01°00'28" W and along the East line of the SW/4, SE/4 for 600.00', thence S 88°46'49" W and parallel with the South line of Section 26 for 315.00', thence S 01°00'28" E for 600.00' to a point on the South line of said Section 26, thence N 88°46'49" E and along the South line of Section 26 for 315.00' to the point of beginning and containing 4.33 acres more or less, **From** AG (Agriculture District) **To** OL (Office Low Intensity District);

Tract B – A tract of land situated in the SW/4, SE/4 of Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Commencing at the Southeast corner of the SW/4, SE/4 of said Section 26, thence N 01°00'28" W and along the East line of the SW/4, SE/4 for 600.00' to the true point of beginning, thence continuing N 01°00'28" W and along the East line of the SW/4, SE/4 for 720.19' to the Northeast corner of the SW/4, SE/4, thence S 88°47'06" W for 200.00', thence S 01°00'28" E for 450.00', thence N 90°00'00" W for 264.97', thence S 01°00'28" E for 32.98', thence N 90°00'00" W for 100.09', thence S 01°00'28" E for 845.00' to a point on the South line of said Section 26, thence N 88°46'49" E and along the South line of said Section 26 for 250.00', thence N 01°00'28" W for 600.00', thence N 88°46'49" E for 315.00' to the point of beginning and containing 8.97 acres more or less, **From** AG (Agriculture District) **To** RD (Residential Duplex District);

Tract C – A tract of land situated in the SW/4, SE/4 of Section 26, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Commencing at the Southeast corner of the SW/4, SE/4 of said Section 26, thence S 88°46'49" W and along the South line of the SW/4, SE/4 for 565.00' to the true point of beginning, thence N 01°00'28" W for 845.00', thence N 90°00'00" E for 100.09', thence N 01°00'28" W for 32.98', thence N 90°00'00" E for 264.97', thence N 01°00'28" W for 450.00' to a point on the North line of the SW/4, SE/4, thence S 88°47'06" W for 665.00', thence S 01°00'28" E for 990.26', thence S 88°46'49" W for 124.77', thence S 01°01'01" E for 330.00' to a point on the South line of said Section 26, thence N 88°46'49" E and along the South line

of said Section 26 for 424.72' to the point of beginning containing 13.85 acres more or less, and

Tract D - A tract of land situated in the SW/4, SE/4 of Section 26, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Commencing at the Southeast corner of the SW/4, SE/4 of said Section 26, thence S 88°46'49" W and along the South line of the SW/4, SE/4 for 989.72', thence N 01°01'01" E for 330.00' to the true point of beginning, thence N 88°46'49" E for 124.77', thence N 01°00'28" W for 990.26' to a point on the North line of the SW/4, SE/4, thence S 88°47'06" W for 454.93' to the Northwest corner of the SW/4, SE/4, thence S 01°01'01" E and along the West line of the SW/4, SE/4 for 990.30', thence N 88°46'49" E for 330.00' to the point of beginning, containing 10.33 acres more or less, **From AG (Agriculture District) To RS-3 (Residential Single-family High Density District)**

And to consider the proposed Planned Unit Development (PUD-707) on the following described property: A tract of land situated in the SW/4, SE/4 of Section 26, T-18-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: beginning at the Southeast corner of the SW/4, SE/4 of said Section 26, thence N 01°00'28"W and along the East line of the SW/4, SE/4 for 1,320.19', thence S 88°47'06"W for 1,319.93', thence S 01°01'01"E for 990.30', thence N 88°46'49"E and parallel with the South line of Section 26 for 330.00', thence S 01°01'01"E for 330.00' to a point on the South line of said Section 26, thence N 88°46'49"E and along the South line of Section 26 for 989.72' to the point of beginning and containing 37.50 acres more or less, and located north of the northwest corner East 111th Street South and South Memorial Drive, Tulsa, Oklahoma, **From AG (Agriculture District) To OL/RD/RS-3/PUD-707 (Office Low Intensity District/Residential Duplex District/Residential Duplex District//Planned Unit Development).**

Application No.: PUD-708

CH/PK/OL/RS-3 TO PUD

Applicant: Charles E. Norman

(PD-6) (CD-4)

Location: Southeast corner of East 15th Street and South Utica

STAFF RECOMMENDATION:

This application proposes to consolidate several adjacent parcels with various zoning (CH, OL, PK, RS-3 and HP) for development of a bank. It involves the former H.L. Moss property and an adjacent vacant single-family unit, zoned CH,

some office and parking uses, zoned OL and PK and two single-family residential uses, zoned RS-3 and HP. These two residential units face into the Cancer Care Center PUD-614, which is not in the HP district. On August 17, 2004 the Tulsa Preservation Commission voted to approve the reuse of these two lots in the HP district as a parking lot for the proposed banking facility.

The proposed PUD, if developed according to the conceptual plan, would reduce the range and intensity of uses currently allowed by the existing underlying zoning. Under the proposal, all existing structures would be cleared and replaced by a banking/office facility that would further anchor Cherry Street development and the South Utica corridor. Similar uses currently abut the proposed site on all except the southeast.

1. 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-708 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.

2. Therefore, staff recommends **APPROVAL** of PUD-708 subject to the following conditions:

LAND AREA:

Gross:	1.5529 Acres	67,645 SF
Net:	1.0927 Acres	47,600 SF

PERMITTED USES:

Offices, studios and support services as permitted in Use Unit 11, including a drive through banking facility, off-street parking as permitted in Use Unit 10 and uses customarily accessory to permitted uses.

MAXIMUM BUILDING FLOOR AREA: 24,000 SF

MAXIMUM BUILDING HEIGHT: Four stories not to exceed 57 FT *

MINIMUM BUILDING SETBACKS:

From the centerline of East 15th Street:	45 FT
From the centerline of South Utica Avenue:	50 FT
From the centerline of South Victor Avenue:	185 FT

From the south property line west of the alley:

60 FT

OFF-STREET PARKING:

As required by the applicable use units. Unfinished expansion space may be included in the principal building but shall not be finished or occupied until required off-street parking is added to the planned unit development.

MINIMUM OFF-STREET PARKING SETBACKS:

From the centerline of East 15th Street:	35 FT
From the centerline of South Utica Avenue:	40 FT
From the south boundary line east of the alley:	50 FT
From the centerline of South Victor Avenue:	30 FT

MINIMUM INTERNAL LANDSCAPED OPEN SPACE:

A minimum of fifteen percent of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

For purposes of calculating the landscaping required under Section 1002 of the Zoning Code, the South Victor Avenue street yard shall be considered as 25 feet from the west of South Victor Avenue right-of-way line.

*

The pitched roof of the fourth floor penthouse shall not exceed 67 feet provided the penthouse floor area does not exceed 35% of the floor area of the third floor.

SIGNAGE:

- 1) One pedestal identification sign shall be permitted on the East 15th Street frontage and one pedestal identification sign shall be permitted on the South Utica Avenue frontage which shall not exceed 20 feet in height or 100 square feet of surface area.
- 2) Wall signs and logos shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75 percent of the frontage of the building.
- 3) Directional signs shall be permitted. The location and size shall be established at detail sign plan review.

LIGHTING:

Light standards within 150 feet of the centerline of South Victor Avenue shall not exceed 15 feet in height. Light standards within the remainder of the development shall not exceed 25 feet in height.

Lighting within the property shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas.

3. Landscaping and screening shall be in substantial compliance with Exhibit B, Landscape and Screening Concept Plan and the PUD text. All landscaping shall meet or exceed the requirements of the PUD chapter and the Landscape Chapter of the Tulsa Zoning Code.
4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
7. Flashing signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
8. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

9. 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
10. 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. Because this PUD involves a public alley that separates two portions of the development, Lots 1 and 2 should be tied together in the PUD covenants.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. 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.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments for September 1, 2004:

Stormwater: - Acceptable

Wastewater: - Sanitary sewer service is available for the proposed development.

Transportation: - Concur with Traffic.

Traffic: - In lieu of a complete access closure to Victor Avenue, a design to physically discourage right turns is recommended (a sign and a physical barrier were mentioned at the TAC meeting), in addition to the proposed signage. The urban arterial intersection will require 40' right-of-way on both 15th Street and Utica Avenue, plus a 30' intersection radius per Transportation Design.

TMAPC COMMENTS:

Ms. Bayles stated that she could speak to the issue regarding the Tulsa Preservation Committee. She indicated that the votes for the three applications that were considered were not unanimous except for one, which was the demolition of the third property that has alley access only at the rear of one of the homes. The two homes on Victor are considered part of the Historic Preservation overlay zoning for the Yorktown Neighborhood. The two homes were surveyed and considered to be significant contributions to the historic fabric of the neighborhood. The votes were not unanimous on the demolition of these two homes, nor was it unanimous for the new construction of the parking lot that would replace the two homes.

Ms. Matthews indicated that staff has received one letter and it was in support of the proposal, but was in opposition to a curb cut onto Victor due to the traffic.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing Arvest Bank and the developer, submitted photographs of the subject intersection and property (Exhibit A-2). Mr. Norman described the existing property and the three homes that would be removed. Mr. Norman submitted a rendering of the proposed structure and elevations (Exhibit A-4). He indicated that the proposed building would be restricted to office and bank use only. Through the PUD he would be eliminating any consideration of commercial uses or commercial uses of the nonconforming part of the H.L. Moss property. The proposed building would be three stories plus a small 1,200 SF penthouse that is mostly an architectural element. The first floor would be partial and the cars would enter from Utica and face into the bank windows where the tellers can be inside the main bank. The second floor would be a full floor that would be occupied by the bank and the third floor and fourth floor penthouse. The proposed building will be approximately half the size of the Stillwater Bank Building based on the maximum permitted floor area under the PUD.

Mr. Norman stated that the subject property would be replatted; however, the alleyway will have to stay open for access to existing homes. There will be two lots, Lot 1 and 2, and the design will incorporate the alley, but widen at 15th Street to provide for improved left- and right-turn outbound movement after exiting the drive-through banking facility. Mr. Norman submitted the landscape plan (Exhibit A-3). He commented that this PUD represents a detail site plan because it has been given a lot of specific planning with input from the bank as the principal tenant. He indicated that he has reviewed all of the proposed development standards with staff and he is in agreement with staff's recommendation. He requested that the Planning Commission approve this application.

Mr. Norman stated that the issue that has been mentioned to him by two representatives of the neighborhood has been access to South Victor. He

requested the Planning Commission to consider this in the light of the reduced intensity of use by having restricted this to office and banking use only. This is a facility that will have restricted hours compared to commercial uses that could and have been there. He believes that the South Victor access point is appropriate. It is based on the success of the Stillwater National Bank project, which has a similar access to South Troost Avenue. The entrance into Stillwater National Bank from Troost has not been a problem to the neighborhood. He cited three other areas in Tulsa where the same situation is present and it has worked successfully.

TMAPC COMMENTS:

Mr. Harmon asked if a left-turn only was being allowed on Victor, which would prevent exiting into the neighborhood. In response, Mr. Norman stated that he has proposed signage and there has been discussion about installing a curb or barrier to force left-turn only. Mr. Norman stated that he proposed that there be signage indicating that there can be no right-turns.

Ms. Bayles asked Mr. Norman to speak to the issue relative to the right-of-way dedication. In response, Mr. Norman stated that his client is in the process of replatting the property and the building setbacks were established to permit the revision of the intersection and all of the right-of-way requested will be dedicated. The City allocated the funding for the design last July for the intersection revision and the funding will be available in July 2005. Construction could start before the end of 2005 and they anticipate it being a six- to nine-month project. There will still be sufficient setbacks for landscaping to be planted and trees on the Utica and 15th Street sides.

Mr. Midget asked Mr. Norman how much buffer would be given on the south side of the parking lot. In response, Mr. Norman stated that he is required to have a five-foot separation and there would be a double-sided screening fence. The architect didn't think it would be appropriate to have a higher fence in front of the residences to the south and that is why it is tapered down to keep it from giving a sense of enclosure on the north side. The lights are restricted to a maximum of 15 feet in the west of the alley and a light-producing element can't be visible in the residential area to the south.

Ms. Bayles asked Mr. Norman if the developer is attempting to secure the third house adjacent to the southernmost home that has already been approved for acquisition. In response, Mr. Norman stated that the developer did attempt to acquire the third house, but it was not for sale. Mr. Norman further stated that the two lots his client has acquired and the third lot mentioned are in the HP district, but the lots across the street are not. The lots his client acquired to redevelop will face into lots that are not within the HP district. If he had been able to acquire the third lot, he would have asked to line up with the HP district boundaries across the street. The parking and access point will not face HP-zoned properties. Ms. Bayles stated that she is not suggesting that his client

move farther into the neighborhood in terms of the HP boundary, but that there will now be uncomplimentary land uses opposite one another and that may prove to be problematic in the future. Ms. Bayles commented that she is sorry that the home was not for sale under these circumstances.

Mr. Westervelt asked Mr. Norman if there was a sketch produced to TAC or have anything to show TAC at their meeting. In response, Mr. Norman stated that the comments were to construct a curb into the right-of-way that would be curving to the north/left to reverse the apex on the south side.

Mr. Jackson asked Mr. Norman if the two homes in question would be destroyed since the TPS denied their demolition. In response, Mr. Norman stated that there will be an automatic stay of 60 days, after which the owners are free to demolish the properties.

Mr. Westervelt asked if the homes would be coming down after the stay is expired. In response, Mr. Norman answered affirmatively.

INTERESTED PARTIES OPPOSING PUD-708:

Adam Kepetsky and Michelle Cantrell, 1850 East 16th Place, Tulsa, Oklahoma 74104; **Aaron Griffith**, representing his Mother, 1815 East 16th Place, Tulsa, Oklahoma 74104; **Richard Reeder**, 1616 South Victor Avenue, Tulsa, Oklahoma 74104; **Lisa D'Apolito**, submitted a petition and photographs (Exhibit A-1 and A-2), 1816 East 16th Street, Tulsa, Oklahoma 74104; **Ryan Jantz**, 1807 East 16th Place, Tulsa, Oklahoma 74104; **Mark Radzinski**, representing the President of the Yorktown Neighborhood Association, 1552 South Yorktown Avenue, Tulsa, Oklahoma 74104.

COMMENTS OF INTERESTED PARTIES OPPOSING PUD-708:

Safety concerns for the children in the neighborhood; there are no parks for the children to play in and they play in the yards or streets; not against the bank being built, but do not want an ingress/egress on Victor Street; against the rezoning of the property along Victor Street; Yorktown Neighborhood is a walking neighborhood and this project will increase the traffic; concerned about property values decreasing; cut-through traffic is problem now from the St. John's employees and patients and this could make that problem worse; strongly object to tearing down two historic homes and reclassifying it as commercial; this proposal will start a domino effect; better locations in the area; do not need more banks in the subject area; the historic district is being destroyed one house at a time; the Cancer Center was not welcomed by the neighbors at the beginning, but turned out to be good neighbors and did not put a curb cut on Victor; St. John employees drive excessive speeds through the neighborhood and this bank will increase the traffic problems; not against the bank, but against the curb cut; H.L. Moss didn't have the volume of traffic and business as the bank will have; Victor is not a grand boulevard and is the only access for residents living on 16th Street and 16th Place, which are dead-end streets; delivery trucks block Victor and

make it difficult to navigate through the neighborhood; residents walk within the neighborhood and down Cherry Street for dinner; the existing homes have flooding problems and the water runoff from the new property would be diverted onto Victor into the storm drain; basements flood in the existing neighborhood; live in the subject area because of the charm; the traffic along Victor is due to St. John's Hospital; one of the things that attracted the residents to the neighborhood was the sidewalks; the neighborhood is designed to allow residents to walk within the neighborhood; sidewalk traffic and vehicle traffic along Victor is not a good mix; property values will decrease; no one would purchase a home next to a parking lot; read traffic count from the City of Tulsa website; realize that development will happen and do not oppose the bank, but would prefer development that is friendly to the neighborhood; every time something like this is approved it becomes a precedent; oppose the precedent that is being set by inter-mixing the two types of uses (residential and commercial).

Commissioner Miller out at 2:25 p.m.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Kepetsky, whether with an accelerated timeline on the CIP improvements at 15th and Utica for both the street widening and a left-turn, that would result in less cut-through traffic. In response, Mr. Kepetsky stated that he is not sure this would help with the cut-through traffic.

Mr. Harmon asked Mr. Griffith if he thought a bank would be a better use than the previously type of business. In response, Mr. Griffith stated that he believes that a four-story bank at that intersection would be adding fuel to the fire regarding the traffic. He explained that the traffic coming off of Broken Arrow Expressway (BA) on Friday afternoons backs up from the BA to 21st Street.

Mr. Harmon asked Mr. Griffith how it would help the existing situation regarding traffic by not having a bank on the corner. In response, Mr. Griffith stated that he could tell the Planning Commission how having a bank on the subject location would expand the problem. He explained that people would be driving to the new bank in the middle of rush hour trying to cash their checks on Friday.

Mr. Midget asked if the bank would be allowed to be on the subject property by right on the CH-zoned area. In response, Ms. Matthews answered affirmatively.

Mr. Midget stated that if it weren't for the PUD, the decision regarding a bank being on the CH-zoned property wouldn't be before the Planning Commission. In response, Ms. Matthews stated that the bank and many other uses would be allowed in the CH-zoned area. Mr. Midget agreed and explained that the CH zoning allows much more intense uses such as warehousing.

Mr. Griffith stated that he would rather see the subject property used how it has typically been used. He suggested a one-story building for a small office space for lawyers, doctors, etc.

Mr. Harmon asked Mr. Reeder if he believes the proposed left-turn lane would relieve some of the pressure on Victor. In response, Mr. Reeder stated that he doesn't believe it will help. He explained that most of the traffic through Victor is accessing St. John's parking lots or missing the stop light at Utica for Utica Square. He further explained that many vehicles use Victor to avoid the congestion from the Broken Arrow Expressway, which backs up through 15th Street. He concluded by stating that the bank should be on Utica and not in his neighborhood.

Mr. Jackson explained to Ms. D'Apolito that the applicant would have to have a hydrology study performed before acquiring his building permits. The runoff would have to be slowed down on-site, either underground or in a detention facility before going directly into the storm sewer. It will not drain onto the street, but rather underground and into the stormwater system.

Ms. Bayles stated that she failed to mention her ex parte conversations with Mr. Radzinski before and prior to the Tulsa Preservation Commission meeting on August 17, 2004. However, Mr. Radzinski failed to identify himself as the Yorktown representative to the COA Subcommittee for the Tulsa Preservation Commission and that is relative to this public hearing today. Mr. Radzinski was present at the August 17th meeting and cited several of the concerns that have been addressed today, both as they were relative to the HP district and as well as this public hearing today.

In response to Ms. Bayles's statement, Mr. Radzinski stated that he wasn't notified until the day of the meeting that he had been approved to serve. He explained that the reason for attending the Tulsa Preservation Commission meeting was to speak his concerns for the project. It was at that time that David Simmons informed him that he had been appointed. Ms. Bayles reminded Mr. Radzinski that the President of Yorktown Neighborhood Association had appointed Mr. Radzinski to serve and Ms. Bayles and Mr. Norman discussed this project with the Neighborhood President so that notification could be given to the residents who would be most closely affected.

Applicant's Rebuttal:

Mr. Norman stated that he delivered copies of his application to Martin Steinmetz, attorney and President of the Yorktown Neighborhood Association.

Mr. Norman stated that the subject property falls within several particular studies that had been made. The subject property was included in the following studies: Cherry Street Corridor, Hillcrest and St. John Corridor study and under the guidelines of the Historic Preservation District, as well as the Infill study. All of

the studies are supportive of this type of use at the intersection like this. Yet in every situation in the community he encounters this type of difficulty of not being able to satisfy all of the planning principles that we like to apply to outlying neighborhoods.

Mr. Norman stated that he didn't mention the rejuvenation of 15th Street and Peoria or the Brookside Neighborhood, nor that all of the beneficial changes that have occurred have been primarily as a result of increased parking that projects into what were residential neighborhoods. All of these situations required access to a street nearby to residential. Required parking is difficult to provide in infill areas and it usually requires some sort of access to a neighborhood street.

Mr. Norman stated that there is a St. John landscaped parking area located on 17th Street and Victor, which has been located there successfully for approximately 20 years. All of its access is onto Victor and 17th Street, which has not been a severe problem to the extent that has been described. He further stated that every house in the entire area is more valuable now than it was when St. John began its campus expansion or when Stillwater Bank was proposed. He commented that he believes that this has been a credit to the City. He reminded the Planning Commission that Ms. Bayles stated that the three houses that back up to the parking area of Stillwater National Bank have worked out well. The positive impact of this proposal will far outweigh the perceived concerns of additional traffic. If there is traffic on Victor after the intersection revision, it will primarily be traffic from the neighborhood going to or from the neighborhood or going to and from the bank. There is no other reason for traffic to cut through the neighborhood after the intersection revision. Mr. Norman concluded that, hopefully, the intersection will be improved to the extent that the bank would function successfully, and the bank has its own traffic consultants who look at these problems. Their first consideration is that it has to work successfully and safely for the bank itself, which, if it does that, should work for the neighborhood as well.

Mr. Norman stated that he hopes the Planning Commission would agree with the Tulsa Preservation Commission who recognizes that parking is an essential element of any redevelopment in the infill and the improvement at this intersection corner, and who justified their support of the reuse of the proposed two lots for parking use only. No commercial or office use is being extended into the area east of the alley.

TMAPC COMMENTS:

Mr. Midget asked Mr. Norman if the Preservation Commission voted 6-1 in favor of the project. In response, Mr. Norman stated that the Commission only voted on the two lots and they are essential to the project, because without the two lots there would not be enough parking. Mr. Midget asked if the Preservation Commission voted on the access onto Victor. In response, Mr. Norman stated that they did not vote on the access, only on the two lots proposed for parking.

Mr. Midget asked Mr. Norman if he would be favorable toward a left-turn lane only leaving the bank on Victor. In response, Mr. Norman stated that his client has expressed his approval of this type of solution. Mr. Midget stated that any effort the bank could make to deter traffic from cutting through the neighborhood would be helpful and he is talking more than just signage. Mr. Norman reminded Mr. Midget that this project would have to come back to the Planning Commission for detail site plan approval.

Ms. Bayles stated that the Stillwater National Bank has not been a huge negative as she had expected it to be when she protested the bank, not the curb cut. She appreciates the consideration for the right-turn barrier; however, after considerable thought on this, it would certainly be her preference that there be no curb cut under these circumstances. The primary difference between the bank to the west and the proposal is that there is a central alley that has been well maintained and is wider than usual because of the parking that is available to the properties that face Utica. Is this not an opportunity for access to the bank from 16th as opposed to South Victor, where one would not be moving between commercial and residential or office light and commercial properties. The properties that face Utica on 16th are already zoned for either commercial or office light. In response, Mr. Norman stated that it may present an opportunity, but the bank prefers to avoid any kind of emphasis on that because the alley is not an attractive entrance into the bank itself because of the back parking areas and the condition of some of the properties on the alley. He explained that his client is improving the alley to the north and widening it from the width of the alley, which is 20 feet, to provide a left- and right-turn in and out. He continued, explaining that with this access the bank is emphasizing use of the alley to the north, but not from the south.

Ms. Bayles stated that many people use 16th street both on the east and the west side of Utica primarily as a means of egress for safety, if nothing else, because of the traffic speeds and counts at that intersection. In response, Mr. Norman reiterated that the reduction and intensity of use on the subject property, will be due to the fact that it will be closed most of Saturday and all on Sunday and never opened at night. This is a use that will result in a great reduction in the traffic generation capacity. He does not deny human nature to cut through neighborhoods to avoid an unprotected left-hand turn. This type of activity will not be exacerbated by a bank. If the proposal were for a typical use for a restaurant and have other kinds of retail activity, then it could be a different kind of consideration than what is before the Planning Commission today.

Ms. Hill recognized Mr. Griffith.

Mr. Griffith stated that the advertising sign was not visible from the road because the wind blew the sign over.

Ms. Hill stated that she drove past the subject property several times and the sign was clearly standing up and visible from the street, but obviously the wind blew it over or it fell down.

Ms. Matthews explained that there is a 20-day notice for the public hearing published in a newspaper of general circulation, signs posted on the property 20 days in advance and property owners within 300 feet of the property notified under State Statutes. She further explained that the new applications and current agendas are posted on the INCOG website.

Mr. Midget stated that he did see the sign standing vertically when he drove past the subject property.

Ms. Hill reiterated that she also observed the sign standing vertically several times when she was in the subject area.

Mr. Midget stated that he would prefer that there be no curb cut on Victor, but in light of the development in the subject area and in trying to encourage infill development, he believes that if the subject development can be structured in such way that it doesn't create any additional hardship on the neighborhood it would be better. He explained that the problems seems to be the individuals who cut through on Victor to get to St. Johns Medical Center and the bank would not impact that situation, because the individuals will do that anyway if they already have the tendency to do so. He expressed concerns with the ability to lessen the impact that the bank would have on additional traffic coming through the neighborhood to access the bank. He suggested that they put a left-turn only lane exiting the bank and a right-turn only entering the bank with some type of bump or barrier to make sure people do not try to advantage by trying to turn right.

Mr. Harmon recommended that the neighborhood talk with Traffic Engineering regarding installation of speed bumps or four-way stops within their neighborhood for traffic control.

Mr. Westervelt stated that the existing CH zoning on the corner is a permissive zoning, so this corner will get utilized at some point in the future and banking/office is a terrific solution to that existing problem. The right-of-way is also being dedicated for the improved intersection, which will have a left-hand turn and it will make a significant difference. Nothing the Planning Commission does or doesn't do today is going to change anything on Victor. Stop signs along a residential street do deter cut-through traffic and it is something the neighborhood should investigate.

Ms. Bayles concurred with Mr. Midget and Mr. Westervelt. She complimented the developer on his willingness to develop the exit and signage on Victor to deter right turns into the neighborhood with a physical barrier.

Ms. Coutant stated that she agrees with the recommendation, but she is concerned about the neighborhood and would ask the developer to make the right turn in and left turn out be at an angle that such people coming north on Victor wouldn't be tempted to swing wide and come around the high curb and bollards. She would like to see this in the detail site plan when it is brought back to the Planning Commission.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Miller "absent") to recommend **APPROVAL** of PUD-708 per staff recommendation, subject to there shall be a left-turn only lane onto Victor and a right-turn only land into the bank from Victor with signage and some sort of pipe bollards outside of the sidewalk area on the corner in order to keep someone from stepping across in front of traffic.

Legal Description for PUD-708:

The W/2 of Lot 1, and the W/2 of Lot 2, all of Lot 3, the North 40' of Lot 4, and all of Lots 13 through 16 inclusive, Block 1, Orcutt Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and located on the southeast corner of East 15th Street South and South Utica Avenue, Tulsa, Oklahoma, **From CH/PK/OL/RS-3 (Commercial High Intensity District/Parking District/Office Low Intensity District/Residential Single-family High Density District) To CH/PK/OL/RS-3/PUD (Commercial High Intensity District/Parking District/Office Low Intensity District/Residential Single-family High Density District/Planned Unit Development [PUD-708]).**

Application No.: PUD-431-B-2

MINOR AMENDMENT

Applicant: Tim Terral

(PD-26) (CD-8)

Location: Southwest corner of East 101st Street and South Sheridan

STAFF RECOMMENDATION:

Ms. Matthews stated that staff is requesting a continuance on this application. The applicant needs to supply additional information and staff may need to advertise for additional relief. Staff recommends continuance to September 15, 2004.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Bayles, Coutant, Harmon, Hill, Horner, Jackson, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford "absent") to **CONTINUE** PUD-431-B-2 to September 15, 2004.

There being no further business, the Chair declared the meeting adjourned at 3:25 p.m.

Date Approved:

October 6, 2004

Mary E. Hill

Chairman

ATTEST: SM Bayles
Secretary