

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2405

Wednesday, March 2, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Carnes	Alberty	Boulden, Legal
Bayles	Dick	Fernandez	
Harmon	Ledford	Huntsinger	
Hill		Matthews	
Horner			
Jackson			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, March 1, 2005 at 10:20 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Westervelt reported that there is potentially someone who is hearing impaired attending today's meeting for one of the items on the agenda today. There is an interpreter present and the Planning Commission may have to stop to repeat some technical terms. He asked that the interpreter let him know when his party arrives and until then the agenda will start at the beginning.

Mr. Westervelt reported that there are a couple of housekeeping issues. Item 9, Consider amending the Zoning Code to eliminate flashing and running light or twinkle signs from Use Unit 21, Business Signs and Outdoor Advertising has received a request for a continuance to March 16, 2003 by staff and the Sign Advisory Board.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HILLS**, TMAPC voted 8-0-0 (Ard, Bayles, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford "absent") to **CONTINUE** the consideration amending the Zoning Code to eliminate flashing and running light or twinkle signs from Use Unit 21, Business Signs and Outdoor Advertising to March 16, 2003 at 1:30 p.m.

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Mr. Westervelt stated that Item 10 will be moved up to the front of the agenda. Item 17 will follow immediately after Item 10, and then revert to the normal order of the agenda.

Worksession Report:

Mr. Westervelt reported that the Planning Commission had a worksession last week on the Board of Adjustment Study, which he hopes to be finalizing and sending to the City Council. He thanked staff at INCOG and the TMAPC for their help in compiling all of the information needed for this study.

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Mr. Westervelt reminded everyone present for Item 17 that there has been a public hearing held on this item and there has been a worksession on this item. Today the public hearing will not be opened but the TMAPC may choose to recognize some individuals if someone feels that it is absolutely critical that they add some particular comments. The Planning Commission hopes to finalize the report at today's meeting and transmit it to the City Council. The City Council will have another public hearing and if there are comments, that next public hearing might be the most appropriate place to have that conversation.

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Director's Report:

Mr. Alberty reported that there are no items scheduled for the City Council meeting this Thursday from the TMAPC.

Mr. Alberty reported the receipts for the month of January 2005 indicate an increase in the receipts for both the City and the County compared with January 2004. The receipts are still under the total receipts for the year and are currently down \$21,000.00 over this time in 2004.

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Mr. Westervelt welcomed the newest member to the TMAPC, Mr. Chip Ard.

Application No.: Z-6977/PUD-708-A RS-3/PUD/HP to RS-3/PUD

Applicant: Charles Norman (PD-6) (CD-4)

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

Ms. Matthews stated that the camera/projector is not working at this moment. She explained that there is no new information to add to this application that has not already been heard. The PUD would add the 40 feet to the south of the subject property and the comments that staff has received is from the Tulsa Preservation Commission (TPC). The TPC do not support removing the Historic Preservation (HP) designation from any of the three properties under application. The 40 feet would enable the applicant to finish out the penthouse portion of the development and would also allow the movement of the driveway onto Victor Avenue.

TMAPC COMMENTS:

Mr. Westervelt explained the ground rules regarding time allocation to each speaker, which will be 20 minutes allocated to the applicant and three minutes per each interested party, and then Mr. Norman will be allowed a rebuttal.

Mr. Midget asked if the City Council was contacted regarding the visual device not working. Mr. Norman requested that this item be moved down the agenda until the visual device is working.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19793 – Warren Morris (9430) (PD 17) (CD 6)

4407 South 100th East Place

L-19795 – Jeff Levinson (8321) (PD 18) (CD 8)

Southwest corner of East 93rd Street and Toledo

L-19797 – Jeff Levinson (8305) (PD 18) (CD 9)

2505 East 67th Street

STAFF RECOMMENDATION:

Mrs. Fernandez stated that these lot-splits are in order and staff can recommend **APPROVAL**.

TMAPC Action; 8-0-0 members present:

On **MOTION** of **HARMON** the TMAPC voted **8-0-0** (Ard, Bayles, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Wind River Addition – (8333) (PD-26) (CD-8)

West of the northwest corner of East 121st Street and Yale Avenue

STAFF RECOMMENDATION:

Mrs. Fernandez stated that this plat consists of 262 lots in 15 blocks on 80.6 acres.

Mrs. Fernandez reminded the Planning Commission that this item had been continued from the February 23rd meeting. The issues of concern included notifying the surrounding property owners, which has been accomplished. Staff received a letter from Mr. Latimer (Exhibit A-1) expressing his concerns on the project. She indicated that Mr. Biery is out of town, but has sent a representative. She explained that Mr. Biery's concerns remain whether he would have to dedicate an additional 25 feet of right-of-way on his property. At this time staff can't recommend anything on this issue, nor can Traffic Engineering because there is no rezoning or a design to focus on. The other detail of concern was the bike trail plan and she believes that this will be heard at the detail site plan level.

All of the release letters have been received and staff recommends **APPROVAL**.

The applicant indicated his agreement with staff's recommendation.

Applicant's Comments:

Brett Biery, 11720 South Vandalia, Tulsa, Oklahoma 74135, adjacent property owner to the east, stated that he is concerned about the partial dedication of right-of-way on Toledo Avenue, which is not being required in the Wind River plat on the west side.

TMAPC COMMENTS:

Mr. Westervelt stated that this issue was discussed last week and he recognized that the interested parties were not present. The Planning Commission wanted to make sure that the interested parties were represented and it appears that they have had an opportunity to discuss this with Tanner Engineering since that time. In response, Mr. Biery stated that he has no problem with the plat, but he wanted to go on record once again to state that the 25-foot dedication is the only issue.

Mr. Westervelt stated that he would submit the Latimer's letter for the record (Exhibit A-1). He indicated that the Latimer family had some concerns, but he has been informed by staff that there have been checks cut and water is being delivered to the Latimer property.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Ard, Bayles, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford "absent") to **APPROVE** the final plat for Wind River Addition per staff recommendation.

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PRELIMINARY PLAT:

Horizon West – (8211)

(PD-8) (CD-2)

North of the northeast corner of West 81st Street and South Union Avenue

STAFF RECOMMENDATION:

This plat consists of 86 lots, five blocks, three reserves on 31.078 acres.

The following issues were discussed February 17, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 636 and CO. A minor amendment is to be processed for the PUD. All PUD conditions must be followed. Proper access must be shown. A map showing the plat and development areas needs to be submitted.
2. **Streets:** Label right-of-way dedication on Union. Intersections at Union require 30 foot radius property lines (Lot 1, Block 1, and Reserve B). Please remove the word "general" from Section 1.A subheading. Please edit language in Sections III and IV to be relevant to this project. Cul-de-sac is undersized; Fire Marshal requires 96-foot diameter curb-to-curb. Sidewalks are required along arterial streets (City of Tulsa Public Works policy). Are sidewalks being proposed on residential streets? Verify that adequate site

distance is available for the north entrance. Redesign the south access where it crosses the first street to eliminate the four-legged intersection for safety purposes. Document arterial right-of-way if previously dedicated (book/page). Show Highway 75 right-of-way dimensions, etc. and Limits of No Access. Delete reference to private streets and Waterstone in Section III.

3. **Sewer:** Add a 15-foot easement (7.5' each side of property line) between Lots 31 and 32 and Lots 25 and 26 in Block 2 for the proposed sanitary sewer. A minimum 15-foot of easement is required along the west property lines of Lots 10, 11, 12 and 13, Block 4 for the proposed sanitary sewer line. Continue the 17.5-foot perimeter easement through Reserve C, and provide easement in Reserve A where the sewer crosses it from Lot 27 to the existing manhole. Use the existing 12" stub-out to connect to the existing manhole. An SSID will be required.
4. **Water:** Show book and page of filed easement for the pipeline. Show the 16-inch existing water main along Union Avenue. Normally, one would not be allowed to connect to this size main. A written request must be made requesting an exception to connect to the 16-inch line since it is the only water source within a reasonable distance. A contract will be required to extend and connect to the waterline.
5. **Storm Drainage:** Show and label "Hager Creek City of Tulsa Regulatory Floodplain" on the plat. The floodplain must be plotted using 100 Year Water Surface Elevation. All floodplains in the platted area must be located in a reserve. The reserve must contain an additional 20 feet outside the limits delineated by the 100 year water surface elevation. This applies to both Hager Creek tributaries. Detention must be provided for each tributary. The 53-foot wide area of Reserve A along the east side appears very small for detention. The 30-foot utility easement in the same area divides the Reserve A area. Applicant may want to divide the north portion into a separate reserve area. Additional drainageways, like the one that conveys offsite water across Lots 2 and 3 of Block 3, must be intercepted at the property line, and must be placed in a public overland drainage or storm sewer easement, depending on the chosen method of conveyance. The book and page or document numbers must be included for all separate instrument easements shown on the plat. Please label the legend and add the overland drainage easement to the legend. Easements will be required for all stormwater pipes that are shown to pass between lots. Section I.H.1 shows that Reserve A has an easement in it and this is not addressed in the covenants. Also, the title should include Stormwater Detention Maintenance, and the standard language for this easement maintenance should be added. Reserves A and B appear to contain the Hager Creek City of Tulsa Regulatory Floodplain. The covenants should state that the reserves are also for floodplain conveyance. Alteration of the floodplain for stormwater detention may require the addition of compensatory storage

easements and their standard language. Section I.H.2 title should include "overland drainage easement". In C, please remove "or single-trunk trees having a caliper of not less than two and one half inches" from lines 5, 6, and 7. In D, please correct the language which relates to against whom the lien may be filed, and add language about each individual lot only being responsible for its prorated portion of the cost. Detention will be required for this site. It appears that there are two basins involved. Therefore, at least two sites are involved. See Plat comments. A PFPI will be required.

6. **Utilities:** No comment.

7. **Other: Fire:** See water comments. Add addresses, lot sizes and street names and finish floor elevations for each lot. Complete location map. Extend the 17.5-foot easement sough along Union Avenue across the Reserve area.

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.

Mr. Westervelt submitted a letter from the Tulsa Airport Authority (Exhibit B-1) warning about any structures above 788' will need to go to the FAA.

TMAPC Action; 8 members present:

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

Crossing at 86th Street Phase 1 – (1326)

(PD-15) (County)

Southeast corner of East 86th Street North and North Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 56 lots, seven blocks, on 48.87 acres.

The following issues were discussed February 17, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE.
2. **Streets:** Document right-of-way dedication. East 86th Street needs 60 feet of right-of-way as primary arterial per Major Street and Highway Plan. Recommend establishing limits of no access on both arterials. Include standard LNA language in covenants. Consider sidewalks on streets. The consulting engineer has agreed to put in sidewalks per the County Engineer recommendation. Confirm street names and design. Suggest relocation of 63rd West Avenue connection to eliminate a four-legged intersection.
3. **Sewer:** Septic systems are proposed.
4. **Water:** Rural Water District # 3 will serve water.
5. **Storm Drainage:** Overland drainage easements are required to convey offsite drainage. The two reserve areas need to be separately named. Please label the Detention Reserves as "Stormwater Detention". Article I.1.6 does not address stormwater detention yet the plat shows detention. Standard language for stormwater detention facility maintenance, overland drainage easements and storm sewers needs to be added.
6. **Utilities: Cox:** Additional easements are needed.
7. **Other: Fire:** Identify fire service and their approval. Complete location map. Show basis of bearing. Show monumentation. Show lot sizes and addresses. Start legal description at northwest 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 County Engineer must be taken care of to his satisfaction.

Standard Conditions:

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

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

location. (This information to be included in restrictive covenants on plat.)

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

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Guy Pickard, 7301 Mission Road, Suite 323, Prairie Village, Kansas 66208, stated that he owns and represents the family who own the land on two sides of the subject property. He is concerned that this has come up quickly to him and he hasn't had time to study it. What stands out, in his opinion, is an open stormwater situation for the County and this aerobic system for the sewers is great only if people pay attention to it and service correctly. When the sewer system isn't serviced correctly, then it will run downhill onto the next neighbor.

Mr. Pickard stated that he is not against progress, but would like to see the development done properly. He would like to see the north side of Tulsa be treated the same with respect to infrastructure that other parts of Tulsa have.

Mr. Westervelt informed Mr. Pickard that the Planning Commission will deal with the land use decision today and the stormwater issues will be handled by the County Engineer. The Planning Commission doesn't get involved in the aerobic systems, but they do have to meet the Department of Environmental Quality's requirements.

Mr. Pickard stated that he is present today to make sure that everything is done right and to be a good neighbor.

Mr. Westervelt suggested that Mr. Pickard follow through with the County Engineer to make sure that the improvements that are done, if this is approved and the project moves forward, are done correctly.

INTERESTED PARTIES:

Eric Wiles, 111 North Main Street, Owasso, Oklahoma 74055, representing the City of Owasso, stated that the City of Owasso does not have a position that is supportive or non-supportive of this development. There are three issues of interest regarding this development that Owasso does recognize. The first issue is stormwater detention and drainage; the City of Owasso requests that the City Engineers in Owasso, in addition to the County Engineers, review the stormwater detention and drainage plans for the Crossing at 86th Street. Eventually this development may be within the City limits of Owasso. The second issue of interest is the service of water to the area, specifically along Sheridan Road. The City of Owasso has received indications that the water service in this area may change and may change very soon (30 to 60 days). This causes him to be optimistic that sanitary sewer may have increased potential for this subject area, and for this reason he would like to request a continuance of the consideration of the preliminary plat.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Wiles what would keep him from having this dialogue with the County while the preliminary plat process begins. In response, Mr. Wiles stated that it is his concern that once the preliminary plat is approved the conditions that are set at the preliminary plat approval are the conditions that are reviewed at final plat stage and something may be missed.

Mr. Westervelt stated that the only thing changing would be his comments on stormwater, water and/or sewer. In response, Mr. Wiles agreed.

Mr. Alberty stated that once a plat has been submitted, the staff checks it against the Subdivision Regulations, zoning and it is sent to the Technical Advisory Committee (TAC) for their review. There are issues beyond technicalities that he believes the City of Owasso is concerned about. This was a disputed area that had at one time petitioned to go into the City of Owasso limits, and for whatever reason, that was not approved. There seems to be some interest on the part of the City of Owasso. Their desire would not be the large lot rural-type

development; however, staff has been put in the position that this meets all of our guidelines. When a plat has been submitted, the staff doesn't attempt to try to discuss various alternatives for development, annexations or types of development. If it meets the Subdivision Regulations and zoning, then the Planning Commission is compelled to consider it.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, stated that this is not the business where one likes surprises very often, and this request for a continuance is a surprise. He doesn't object to the continuance and he appreciates the sentiment and the analysis that they have met the standards and are in position to proceed. However, he would like to deal fairly and on a timely basis with the City of Owasso. He would agree to a two-week continuance in order to discuss these issues.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Ard, Bayles, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford "absent") to **CONTINUE** the preliminary plat for Crossing at 86th Street Phase 1 to March 16, 2005.

Walnut Grove – (7408)

(PD-19) (County)

North of East 136th Street and West of South
121st Avenue

STAFF RECOMMENDATION:

This plat consists of seven lots, one block, on 7.84 acres.

The following issues were discussed February 17, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE.
2. **Streets:** Identify the island as a reserve and define both reserves in the covenants. The homeowners association will need to take care of maintenance of the island and not the County.
3. **Sewer:** Septic systems are proposed.
4. **Water:** Broken Arrow will supply water.
5. **Storm Drainage:** Please label "stormwater detention facilities". If it is a wet

facility that ponds water, then it is a stormwater detention facility. Article I.1.6 does not address stormwater detention, yet the plat shows detention. No language is shown for storm sewer or stormwater detention easements. This standard language needs to be added. Also, standard language for surface water.

6. **Utilities:** No comments.
7. **Other: Fire:** Complete location map. Confirm street names. Show monumentation.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

3.6.5 Subdivision Regulations.)

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

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

J. Chris Jacobsen, 13434 South 121st East Avenue, Broken Arrow, Oklahoma 74011, stated that he is the owner of the 15-acre property adjacent and to the east of the subject property. He indicated that he has been supportive of Dr. Hood's development and there have been two preliminary plats submitted to him. Mr. Jacobsen suggested that there had been talks about co-developing site 1 (Exhibit C-1). There was discussion that if he was not interested in co-developing then Dr. Hood would consider going to the west with the outlet. He stated that has clearly indicated to Dr. Hood that he is interested in co-development. However, he has concerns with the juncture of the road, which is 370 feet and that it would difficult since the south portion of his property is landlocked by another property owner and the floodplain. The east side is landlocked by 121st East Avenue and he is concerned that it would be difficult to develop his property without an extended cul-de-sac. He commented that he has attempted to contact Kellogg Engineering to discuss this issue and he did talk with Mr. Kellogg today. He stated that he has hired an engineer to work with him next week to consider a joint development and to address the length of a cul-de-sac that would come off of 121st East Avenue.

Mr. Jacobsen expressed concerns that if Dr. Hood's development goes to the west, then he would have an extended length cul-de-sac due to the narrowness of the property and it makes it difficult for fire and police protection in the subject area. He requested that this item be continued and if that is not possible he would like to state his opposition to the proposed plat.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Jacobsen to indicate where his property is located. In response, Mr. Jacobsen stated that he does have a barn on the north side of his property and an out-building and house to the south.

Mr. Westervelt asked Mr. Jacobsen how deep his property is. In response, Mr. Jacobsen stated that he shares the same south boundary with Dr. Hood. Mr. Hood cited and demonstrated on the aerial map how he accesses his property from the east.

Applicant's Rebuttal:

Dr. Hood, 13422 South 121st East Avenue, Broken Arrow, Oklahoma 74011, stated that he has lived on the subject property for eleven years. This property is accessed through an easement from east through Mr. Jacobsen's property and is currently on well-water. His intent was to provide a private entrance and obtain public utilities. He has requested a subdivision of the eight acres and there has been a lot of debate amongst the neighborhood regarding the outlet location. The neighbors to the north and to the west are for one direction and Mr. Jacobsen for another. The engineers recommended an outlet to the west that is contiguous with a 40-acre development that is available. The 40 acres lie between his property and Garnett and the proposed outlet was the lesser of two evils. He realizes Mr. Jacobsen's dilemma but the majority of the neighbors have interest in moving this to the west. Dr. Hood concluded by requesting that the preliminary plat proceed.

TMAPC COMMENTS:

Mr. Westervelt asked Mrs. Fernandez if the property to the east would be accessed off of 121st Street. In response, Mrs. Fernandez stated that it is her understanding that the County Engineer worked on this development and approving the development as seen. This is the first discussion she has heard about any property development to the east. She commented that she wouldn't recommend approval of any other stub street until the County Engineer, staff and the applicant has a chance to sit down and go over it.

Mr. Westervelt asked Dr. Hood if he could postpone this application in order to discuss alternative access with the County Engineer and Mr. Jacobsen. In response, Dr. Hood stated that he has discussed this with the County Engineer and the problem is that his neighbor to the west and the neighbors to the north like the present plat and that is why it was arranged in that order. He discussed this with Mr. Jacobsen and his intent is to relinquish the easement to the east across the property as part of accepting this plat. He didn't realize that this was in an issue until today. There has been enough notice and plan time and this would be a further delay. He is not opposed to a continuance, except that this has already brought up in previous sessions.

TMAPC Action; 8 members present:

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

* * * * *

Mr. Westervelt asked the interpreter for the hearing impaired if his party was present. He indicated that she was not.

Mr. Westervelt indicated that the video devices were now working and he would move forward with Z-6977/PUD-708-A.

Ms. Bayles stated that she would be abstaining from the following item.

ZONING PUBLIC HEARING

Application No.: Z-6977/PUD-708-A RS-3/PUD/HP to RS-3/PUD

Applicant: Charles Norman (PD-6) (CD-4)

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

STAFF RECOMMENDATION Z-6977:

PUD-708 August 2004: An application was filed for a Planned Unit Development which proposed the consolidation of several parcels with various zoning, CH, OL, PK, RS-3 and HP for the development of a bank. Approval was granted subject to staff recommendations, subject to specific traffic flow requirements.

PUD-614 August 1999: An application for a PUD that proposed a one-story medical office (KMO Cancer Care Facility) on a 1.2-acre tract located on the southeast corner of East 15th Street and South Victor and east of the subject property was approved.

PUD 553 April 1997: A request for a Planned Unit Development that would allow a bank, including drive-in facility, and offices on a tract located on the southwest corner of East 15th Street and South Utica Avenue was approved per conditions.

Z-6490 August 1995: A request to rezone an area of approximately 74 acres in the Yorktown neighborhood that included lots between East 15th Street on the north, west to South Utica Avenue, east to Lewis and south to St. John's Medical Center, for Historic Preservation (HP) supplemental zoning. All concurred in approval of the request.

Z-6212 May 1989: All concurred in approval of a request to zone the Gillette neighborhood with HP supplemental zoning overlay. This request included properties lying south of 15th Street and those lots fronting South Yorktown on

the west; including those lots fronting South Gillette Avenue on the east to East 17th Street on the south.

Z-6248 March 1989: Staff recommended denial of a request to rezone a portion of the three lots that are abutting the subject tract on the south from RS-3 to PK. This tract is located approximately a hundred feet west of the northwest corner of East 16th Street and South Victor. TMAPC recommended approval for PK zoning.

PUD-417 September 1986: PUD-417-B August 1990: All concurred in approval subject to conditions of a PUD that combined PUDs 225, 338, 401 and BOA-12767. The PUD amended certain standards previously approved and added property to St. John Hospital complex.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .24 acres in size

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Victor Avenue		50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The subject property is abutted on the north by a vacant formerly-residential lot, zoned RS-3/HP/PUD; on the south by a vacant single-family residence, zoned RS-3/HP; on the west by a vacant lot, zoned CH; and on the east by a medical office, zoned OL/PUD-614.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity – Residential Sub Area D of the Cherry Street Special District. According to the Zoning Matrix, the proposed rezoning **may be found** in accord with the Comprehensive Plan due to its location in a Special District.

STAFF RECOMMENDATION:

This application is in part to remove the HP (Historic Preservation) zoning overlay from three lots in a PUD. Staff supports the removal of that designation as the three lots face a medical center, the lots of which are not in the HP district and which were purposely omitted from the district. The subject lots in this application should likely have been omitted from the HP district as well.

Based on these facts, existing nearby development and proposed redevelopment, staff can support the rezoning and recommends **APPROVAL** of RS-3/PUD zoning for Z-6977.

RELATED:

STAFF RECOMMENDATION PUD-708-A:

PUD-708 August 2004: An application was filed for a Planned Unit Development which proposed the consolidation of several parcels with various zoning, CH, OL, PK, RS-3 and HP for the development of a bank. Approval was granted subject to staff recommendations, subject to specific traffic flow requirements.

BOA-19279 January 2002: The Board of Adjustment approved a request for a special exception to permit a restaurant located south of the southwest corner of East 15th Street and South Utica, to meet part of the parking requirements on lots adjoining the property where the restaurant is located. Approval was granted per plan and subject to a tie agreement for the lots.

PUD-614 August 1999: An application for a PUD that proposed a one-story medical office (KMO Cancer Care Facility) on a 1.2-acre tract located on the southeast corner of East 15th Street and South Victor and east of the subject property was approved.

PUD 553 April 1997: A request for a Planned Unit Development that would allow a bank, including drive-in facility, and offices on a tract located on the southwest corner of East 15th Street and South Utica Avenue was approved per conditions.

Z-6490 August 1995: A request to rezone an area of approximately 74 acres in the Yorktown neighborhood that included lots between East 15th Street on the north, west to South Utica Avenue, east to Lewis and south to St. John's Medical Center, for Historic Preservation (HP) supplemental zoning. All concurred in approval of the request.

PUD-417 September 1986: PUD-417-B August 1990: All concurred in approval subject to conditions of a PUD that combined PUDs 225, 338, 401 and BOA-12767. The PUD amended certain standards previously approved and added property to St. John Hospital complex.

Z-6212 May 1989: All concurred in approval of a request to zone the Gillette neighborhood with HP supplemental zoning overlay. This request included properties lying south of 15th Street and those lots fronting South Yorktown on the west; including those lots fronting South Gillette Avenue on the east to East 17th Street on the south.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is gently sloping, non-wooded, vacant (recently cleared or about to be cleared) and zoned CH/PK/OL/RS-3/HP/PUD.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 15 th Street South	Urban arterial	70'	4 lanes
South Utica Avenue	Urban arterial	70'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north by a convenience store, zoned CH and CS; on the west by a bank, zoned CH and PUD 553; on the south by office (fronting on Utica Avenue) and single-family residential uses (east of the office uses), zoned RS-3, PK and HP; and on the east by office uses, zoned OL/PUD-614.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Development Areas A and G, Cherry Street Special Study; and in the Utica Medical Corridor Special Study. The proposal **may be found** in accord with the Comprehensive Plan due to its location within a Special District.

STAFF RECOMMENDATION:

This application is an amendment to a previously-approved (October, 2004) PUD that includes an additional 40' lot to the south, removal of the HP zoning overlay from that lot and the two immediately north of it and limited access onto Victor Avenue with a relocated driveway. With the additional lot, this will allow sufficient parking spaces to permit finishing out of the penthouse and redesign of the parking lot. The South Victor Avenue driveway will be relocated to the north boundary adjacent to an existing office use. Driveway curbs and bollards at the South Victor Avenue driveway will force outbound traffic to turn north to East 15th Street and prevent northbound traffic from the neighborhood from entering the South Victor driveway.

The building size, usage, amended development standards, and landscape and screening plan remain unchanged from the originally-approved PUD, save for the relocation of the South Victor Avenue driveway. Comments from neighborhood residents during the first hearing concerned amount and speed of traffic cutting through the Yorktown neighborhood. The developer has offered to work with the neighborhood to reduce and minimize these issues, and has agreed to pay for as many as three speed humps on South Victor Avenue, East 16th Street, East 17th Street and East 17th Place, which are approved by the City of Tulsa and designed to address neighborhood traffic concerns.

The Traffic Impact Study for the Proposed Bank at 15th Street and Utica Avenue, developed by Traffic Engineering Consultants, examined existing and forecast future traffic levels in the immediate area of PUD-708-A. Forecasts were done on a "worst case" scenario, and therefore likely predict higher levels than will actually occur. Among the findings are that Victor Avenue now carries 120 vehicles during the a.m. peak period, and with this development, is projected to carry an additional eight vehicles north of the Victor drive. South of that drive, the projection is for an additional five vehicles, assuming all drivers ignore the driveway turn restrictions. During the p.m. peak hour, Victor now carries 135 vehicles, and this development is forecast to raise that 27 vehicles north of the drive and 18 south of the drive, again assuming all drivers disregard the driveway turn restrictions. Forecast additional traffic levels for other roadway segments/intersections in the area are similarly low. The consultant found that the level of service for the 15th Street/Victor Avenue intersection will operate at a "B" or better level during both morning and evening peaks. The text of the traffic impact study is attached to the staff report.

Based on the Amended Development Standards, Landscaping and Screening, Access and Circulation and Environmental Analysis (below), as well as the Traffic Impact Study for the Proposed Bank at 15th Street and Utica Avenue, staff finds PUD-708-A 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-708-A subject to the following conditions:

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

AMENDED DEVELOPMENT STANDARDS

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

AMENDED 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:	5 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.

- 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.

LANDSCAPING AND SCREENING

The Arvest Midtown landscaping and screening plan is designed to enhance the street frontages with trees, shrubs and ground cover as shown on Exhibit B, Landscaping and Screening Plan.

Parking areas will be screened without compromising parker security. The interior of the site will be planted with ground cover and smaller shrubs. The tree and shrub varieties selected will provide year-round color and interest.

A three feet high double-sided screening fence will be constructed along the South Victor Avenue frontage that will transition into a six feet high double-sided screening fence along the internal boundaries east of the alley.

The tree sizes specified for planting will create immediately attractive street frontages and interior areas. The landscape areas will be irrigated.

The landscaping, screening, lighting and signage restrictions of the planned unit development will create an appealing, pleasant and attractive asset for the Cherry Street and South Utica Avenue corridors.

The proposed trees, shrubs and ground cover materials are shown on Exhibit B.

ACCESS AND CIRCULATION

Access to Arvest Midtown will be from the Broken Arrow Expressway and from East 15th Street and South Utica Avenue as shown on Drainage and Circulation, Exhibit C.

Access to the drive-through banking facility will be through a one-way entry from South Utica Avenue.

The existing alley which bisects the site provides access to parking areas for offices to the south of the planned unit development. Traffic from those parking areas will continue to use the alley for access to East 15th Street. Office and bank customer parking areas are located to the east of the alley as shown on Exhibits A and C.

Bank customers leaving the drive-through banking facility will exit the property to East 15th Street. The alley at East 15th Street will be widened to provide an entrance from East 15th Street and left-turn and right-turn exit lanes to East 15th Street.

Vehicles leaving the driveway to South Victor Avenue from the adjacent office parking area will be restricted by signage to left turns only.

Drainage, Access and Circulation are shown on Exhibit C.

ENVIRONMENTAL ANALYSIS

TOPOGRAPHY:

The high point of Arvest Midtown is in the northwestern portion of the tract at an elevation of 748 feet MSL. The property slopes in an easterly-southeasterly direction to a low point in the southeastern corner at 737 MSL.

UTILITIES:

Two six-inch water mains are located along the west and north boundaries of the property within the rights-of-way of South Utica Avenue and East 15th Street. The two water mains will provide adequate fire protection, domestic and irrigation service for the development.

An eight-inch sanitary sewer main exists in the alley bisecting the property which flows by gravity to the south. The building service line will connect to the main at near the exit from the teller lanes.

Other utilities including natural gas, electric, telephone, and cable television are available to serve the property.

DRAINAGE:

Two thirty-inch storm sewers are located along the centerlines of East 15th Street and the centerline of South Victor Avenue. There are no existing storm sewers on the subject tract. The present drainage from the property is by overland flow to adjacent properties to the south, to the alley, and to the street rights-of-way, primarily South Victor Avenue. There is no off-site stormwater draining across the subject tract.

The southerly portion of the tract lying west of the alley will drain to the south curb. The stormwater will travel easterly along the curb and be directed down the alley as it does presently. The northern portion west of the alley and the areas east of the alley will be collected in an on-site storm sewer system and carried to South Victor Avenue where the existing 30-inch storm sewer is located.

On-site stormwater detention is not anticipated as the development will not result in a net increase in impervious area.

Site Plan, Topography and Existing Utilities are shown on Exhibit D.

LAND USES AND ZONING:

The land uses in the immediate vicinity are shown on Exhibit E, Aerial Photo, and Area Zoning Districts are shown on Exhibit F.

SITE PLAN REVIEW

No building permit shall be issued for any building within the property until a planned unit development detail site plan and detail landscape plan have been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the Arvest Midtown development standards.

No signage shall be constructed until a planned unit development detail sign plan has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the Arvest Midtown sign standards.

3. A detail landscape plan shall be approved by the TMAPC prior to the 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 site 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 the occupancy permit.
4. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
5. 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.
6. Lighting used to illuminate the subject tract 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 area.

7. 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 the lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. Access and circulation shall be as provided as delineated in the PUD-708-A Access and Circulation Plan (above) and the PUD development standards. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meets the City of Tulsa standards.
9. No building permit shall be issued until all 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process that are approved by the TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. 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 within this PUD.

TAC Comments:

Transportation – Tulsa City Council earlier denied the curb cut on South Victor. Add specific language for sidewalk and wheelchair ramp locations in the public right-of-way and show same, existing and proposed, on site plan for project and adjacent properties.

Traffic – The proposal would require a waiver of the Subdivision Regulations for Urban Arterial Intersection right-of-way (40' minimum) for both 15th Street and Utica Avenue.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, representing the applicant, 15th Utica, LLC, John and Chris Bumgarner, stated that his clients have developed a number of projects in this immediate area, particularly the very attractive Italian-style building located at the southwest corner of 21st Street and South Utica.

Mr. Norman stated that he would like to begin this presentation by reviewing what has gone before for the benefit for anyone who may not have been present last September and for the benefit of the new member of the Planning Commission. Mr. Norman cited the history of the subject property and the additional property acquired adjacent to the subject property. He submitted photographs (Exhibits E-1 and E-3). He indicated the subject properties that his client acquired and for which he received Certificate of Appropriateness from the Tulsa Preservation Commission. Mr. Norman submitted a rendering of the proposed building (Exhibit E-2), which depicts the landscaping and how the building will be located on the subject property. He explained the plans for the penthouse and the necessity for the additional lot to meet the parking requirement for the penthouse. Mr. Norman submitted photographs of the other businesses along Victor and their parking spaces that back out onto Victor Avenue (Exhibits E-1 and E-3). Mr. Norman submitted photographs of the property proposed to be removed under today's application (Exhibits E-1 and E-3). Mr. Norman indicated that there were two properties removed from the original HP district prior to the adoption of the HP overlay. He reminded the Planning Commission that today's application is to remove three lots from the HP district and remove the HP overlay. Mr. Norman stated that there is a letter in the file from the owner of the house immediately to the south of the house in question, before the Planning Commission today, and he has no objections to the proposed plan and no objection to the parking area being located immediately to the north. Mr. Norman continued to cite the different lots in the HP district in the surrounding area and their current status.

Mr. Norman stated that he has submitted the PUD request for two purposes. The first is to add the 40-foot lot to the proposal and to relocate the proposed driveway to South Victor Avenue as shown on the amended concept plan (Exhibit E-2). Previously, the driveway was located straight out from the middle of the two lots to the north, which has been related to the boundary of the law office lot. The City Council approved the prior plan last fall, which is exactly the same except for the 40-foot wide lot and the relocated driveway. His client has attempted to purchase the law office property, on several occasions, and have been unable to do so. His client will continue to try to acquire that property, which is already zoned for OL and could be incorporated into this same redevelopment project. His client could then utilize the existing driveway and the 70-foot curb cut could be eliminated and this could serve as the sole entrance and exit from South Victor Avenue. The essence of this proposal is to add 40 feet and relocate the driveway to South Victor Avenue. Mr. Norman reminded

the Planning Commission that the staff recommended that the driveway be approved last summer at a 90-degree angle and the Planning Commission suggested that it be designed in order to force traffic outbound to make left turns and force inbound traffic to turn right only. This design is incorporated into this proposal, including bollards and other physical obstructions to do as much as possible to require that the direction of movement be directed correctly.

Mr. Norman stated that last fall the unfinished expansion space that was included in the principal building can only be occupied and finished when additional off-street parking is added to the PUD, and that is what he is trying accomplish today.

Mr. Norman submitted Exhibit E-5 to indicate the number of access points from commercial and office uses onto side streets that presently exist in the Cherry Street area, on Utica and on the north side of 21st Street to the Broken Arrow Expressway. He indicated there are 78 individual properties and 122 curb cuts onto side streets.

Mr. Norman stated that in the past with the protestants and interested parties, during the neighborhood meetings since last fall, the concern has been expressed repeatedly about traffic conditions on South Victor Avenue, the speed and number of cars that utilize South Victor Avenue. He indicated that his client has offered and incorporated into this proposal, as part of the PUD, to pay for as many as three speed humps on South Victor Avenue, East 16th Street, East 17th, and 17th Place as approved by the City of Tulsa Traffic Engineering Department to address this concern. He has checked with the Traffic Engineering Department and has a letter from the Traffic Engineering Planner stating that there has been no request from this neighborhood for the installation of speed humps (Exhibit E-4). The second issue was the volume of traffic. He commissioned Jon Eshelman and Traffic Engineering Consultants to conduct a traffic study and included a copy of the full report in an earlier packet. The study was done with the assumption that the intersection at 15th and Utica would be completely renovated and reconstructed. It is being designed now and scheduled for completion in 2007. He stated that Mr. Eshelman estimates that the bank would generate about 963 trips per day with the qualification that based on experience and changes in banking procedures in the last 15 to 20 years, this trip number is high compared to what he actually has observed at the bank across the street. Victor Avenue carries more traffic than other north/south streets because it is the only through-street from Victor over to Yorktown. Victor does have more traffic than one would ordinarily expect. Under the trip generation characteristics, it is estimated that in the morning peak hours, there would be 62 cars coming into the bank property and 42 cars going out. During the evening peak hours there would be 173 cars going into the bank property and 180 cars going out. Five percent of the traffic would originate within the neighborhood immediately to the south and 20 percent would come from the east on 15th Street. In Mr. Eshelman's opinion, the intersection at South Victor and

15th Street would be performing in the "A" level during both peak periods and he expects the traffic from 15th Street to go back to 15th Street. If all of the cars from the neighborhood ignore the left-turn restriction inbound, it would only add eight cars during the morning peak period and 18 cars during the evening peak period. He feels that he has completely addressed the traffic concerns and a copy of the report was presented to the neighborhood several weeks ago and to Mark Brown, Traffic Engineering, who has not expressed any opposition or objection to it.

Mr. Norman submitted three petitions in support of this project (Exhibit E-6). The first petitions are from the immediate neighborhood (Utica to Lewis, 15th to 21st Street) with 87 signatures of residents who believe the left-turn only would be appropriate; the second petition was placed inside the Arvest Bank branch on 21st Street between Lewis and Broken Arrow Expressway, which has since closed, and unfortunately the petition didn't have a provision for addresses, but it was for people using the 21st Street branch and has 337 signatures of people who believe the left-turn only exit is a reasonable consideration by the developer and the bank. The third petition, with 88 signatures, is from the general area between Peoria and the Broken Arrow Expressway. These petitions represent 512 persons who signed in favor of the plan that has an exit onto South Victor Avenue, including 87 people's signatures on the petition who live within the immediate neighborhood. He commented that the last time he looked at the file in the INCOG offices, it appeared to have 23 persons within the neighborhood who have signed in opposition to this particular proposal.

Mr. Norman stated that the HP issue seems to be one of the concerns by many people and he would like to remind the Planning Commission that first he filed his application last summer and went to the Tulsa Preservation Commission (TPC) and they recommended denial of the demolition, but recommended approval of the use of the first two lots for parking only under the PUD. In anticipation that there might be growing concern about this from events that occurred in the interim period, he addressed the application jointly to the Planning Commission and to the TPC, and that is part of the original application submitted to the Planning Commission and the TPC. The TPC, this time, recommended denial of the addition of the 40-foot lot to the PUD and then in February, they recommended denial of the request to delete the three properties from the HP zoning and leave them under the direct regulation by the PUD. Mr. Norman stated that this denial has caused his client some problems. He explained that he tried to cooperate and participate with TPC by requesting approval of the proposed plan or to support exiting from the HP regulations. He indicated that the Planning Commission received a recommendation from the TPC that indicated his client was attempting to opt out, which is not correct. His client was attempting to participate.

Mr. Westervelt requested Mr. Norman to finish his presentation. In response, Mr. Norman stated he would do so.

Interpreter for the hearing impaired out at 2:50 p.m.

Mr. Norman stated that he has the minutes from the June 1995 Planning Commission meeting where there was an objection to some of the aspects of the HP district. One of the protestors stated that there were a number of houses that were constructed with kits that were sold by a catalog company in the 1920's, including the subject property. He suggested that if one looks at the subject property in its entire context, it has none of the characteristics required for inclusion or retention in the HP district. The subject property's existing house was built from a kit sold by the thousands by the company. The house does not have any distinguishing architectural features or characteristics of design or materials that would justify that it be retained within the HP district. The report from the TPC suggests that all of these issues should have been considered when the property was zoned HP and he agrees with that comment. He reminded the Planning Commission that he represented St. Johns Hospital in 1995 and specifically objected to their property that was either within their PUD, or that was planned to be included, to be excerpted from the HP district, which was done. Otherwise, the map boundaries were drawn in 1995 only with respect to properties that were not zoned commercial. All of the commercial or office properties were excluded from the HP district and all of those that were residential, were included. There was no other consideration given except for those people who had a specific enough interest to step up and say "I don't want my property in". That history nullifies the comment made by the TPC that the TMAPC should have considered all of these things at that time. If one is going to look at HP zoning as absolutely cast in bronze or steel for ever more, then everybody needs to be told about that, because certainly conditions change, due to lack of maintenance and obsolescence of all kinds that justify redevelopment for infill projects as supported by a number of studies that have been done. This Planning Commission has participated in these studies that, after the report of the Infill Task Force, need to be integrated into an overall plan that will suite the objectives and goals of both infill development or redevelopment and the protection of what the truly historic structures are that have a historic significance. He commented that he has filed an appeal to the Board of Adjustment and it is unfortunate to have these divergent roots, but the alternative to that process is that these properties' owners ask to be taken out of the HP district and line up with the boundary across the street, to allow him to proceed under the controls and regulations of the PUD. No one has objected to the office nature of this use when the underlying zoning would permit heavier zoning. He believes that he has brought a proposal that was approved by the Planning Commission unanimously with the driveway farther to the south, and from the standpoint of the PUD, the only issue is the addition of the 40 feet to line up with the HP district across the street.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Norman how the map with the curb cuts relates to today's application. In response, Mr. Norman stated that the Planning Commission has already approved an application that had a curb cut on Victor and that was denied by the City Council; however, they approved everything that the Planning Commission recommended except the access driveway to Victor. The access driveway to Victor is within the jurisdiction of the Planning Commission and it is not within the jurisdiction of the TPC. Access and circulation is a proper component of a PUD, and subject to your recommendation and review, as it is with a plat. This subject property has now been platted in order for the construction to commence. All of the issues relating the right-of-way and the width of the right-of-way for 15th and South Utica have been resolved to the satisfaction of the Public Works. He stated that he is requesting that the Planning Commission re-approve what has already been approved as far as access to Victor, and then transmit that to the City Council, asking them to reconsider that in view of what the applicant has tried to accomplish in the last six months.

Mr. Harmon stated that he can appreciate all of that, but his question is more in relation to why Mr. Norman submitted this map with the curb cuts. In response, Mr. Norman stated that he was trying to indicate to the Planning Commission that development along these older neighborhoods that were developed years ago have businesses with existing access points to side streets that also serve residential areas. The Stillwater Bank has an access point to Troost, which is a residential street into the Swan Lake neighborhood, and Commissioner Bayles stated that, unlike some apprehensions, the bank traffic on Troost has not been a problem for the residential neighborhood. His purpose in the exhibit (Exhibit E-5) is to indicate that what he has requested and what the Planning Commission has previously voted to recommend is not out of step with what has happened over the years in that immediate area and to justify what the Planning Commission has already approved in the past.

Mr. Ard asked Mr. Norman if the house at 1518 is occupied at this time. In response, Mr. Norman stated that he was referring to 1514 that was not repairable. The building on 1518 has been offered, by the developer, to be relocated or moved if anyone felt it was valuable for that purpose. Discussions are in near agreement to allow someone to move the existing house to Owen Park Neighborhood. In response, Mr. Ard asked Mr. Norman if either home is occupied. In response, Mr. Norman stated that the blue house is occupied and the other house was occupied until recently. Mr. Ard asked Mr. Norman if it could be occupied or is it in disrepair such that it couldn't be occupied at this point. In response, Mr. Norman stated that it could be occupied.

Mr. Ard stated that in the original plans for the proposed office building, the penthouse was shown as unoccupied area. In response, Mr. Norman read the Planning Commission minutes from the previous application on the subject property. Mr. Norman stated that it was known at the time he went to the TPC

and it was presented to the Planning Commission staff with that understanding that more parking was needed before that 1250 square feet could be occupied.

Mr. Ard asked Mr. Norman how many parking spaces he would gain from the two houses. In response, Mr. Norman stated that it would be eight to ten parking spaces because of the narrowness of the lot width. He explained that 40 feet is not deep enough nor wide enough for double-loaded parking.

Mr. Ard asked if the TPC changed their original recommendation on the first two lots. In response, Mr. Norman stated that the TPC voted to deny the demolition of the properties throughout, but that only delays the demolition 60 days. The TPC was advised that the properties would be removed or demolished at the end of the 60 days. The second issue before the TPC was whether to approve a certificate of appropriateness under the HP zoning district for the use of those first two lots for off-street parking, which they voted to approve. That was the only part of the PUD that was within their jurisdiction because the rest of the property within the PUD is outside of the HP zoning district. Subsequently, in January, he went back to the TPC to ask to amend the certificate of appropriateness approved last summer to add the 40 feet and that was denied. Then the TPC recommended denial of the deletion of the three lots from HP district. This results in there being an appeal pending to the BOA. He stated that he has requested that the lots be deleted from the HP district because of that physical relationship with the boundary across the street. Then it would not be within the jurisdiction of the TPC, but would be within the jurisdiction of the Planning Commission and the City Council under the PUD. Mr. Norman commented that if the TPC had approved the requests, he would have dismissed the rezoning request because if they had approved it as they did last summer, he would have no reason to be in dispute with them.

Mr. Ard asked Mr. Norman if the BOA could provide him a variance that would allow the HP zoning to remain in place but allow parking on the two lots. In response, Mr. Norman stated that if the Planning Commission recommends approval, there are two issues before the Planning Commission today: recommending the approval of the PUD as amended, in which case the BOA would have to reverse the TPC and a variance wouldn't be necessary if reversed. Had the certificate of appropriateness been approved, the rezoning would be moot. This is the first time he has dealt with a situation like this on the edge of an HP district that, in his opinion should have never been included, which has caused a procedural dilemma.

Mr. Westervelt asked Mr. Norman if he would pursue the appeal if the Planning Commission were to approve the removal of the lots from the HP district. In response, Mr. Norman stated that he would not go if the City Council approves the Planning Commission's recommendation to remove the lots from the HP district. If the lots were not in the HP district, then the TPC would not be a part of this process. They are a part of the process only with the respect to the three

lots because the rest of the property on the west side of the alley is outside of the HP district.

Mr. Westervelt stated that there is dual authority present by either the Planning Commission removing the lots from the HP district through rezoning or the BOA reversing the TPC decision.

Mr. Boulden stated that the Planning Commission has the authority to make the recommendation to the City Council that the lots be removed from the HP district.

Mr. Norman stated that the Planning Commission's action today would require two votes, one for the PUD and one for the rezoning.

Mr. Boulden asked Mr. Norman when the 60 days run on the subject property. In response, Mr. Norman stated that the 60 days would be up on the 15th or 16th of March. The existing home will be removed and the TPC was aware of their intentions. The person who has been given the existing home has a contract with Ark Moving, but if this doesn't happen, then the existing home will be demolished. Mr. Norman concluded that he has been candid with the TPC and the Planning Commission from the beginning regarding this plan. He further commented that his client is committed to the bank to allow them to function and operate competitively with other banks that have the same points of access. The Planning Commission had no problem with the access in September when the PUD was first recommended for approval.

INTERESTED PARTIES:

Charles Gilmore, Tulsa Preservation Commission, 6520 South Lewis, Tulsa, Oklahoma 74136, stated that he is not here today to discuss the merits of this project, but to simply discuss the rezoning issue. It is evident that the TPC has worked with developers before in quality projects that were built in HP districts. The TPC action on the subject property is properly before the BOA to be reviewed.

Mr. Gilmore stated that he is here today to discuss why there is HP zoning and why these particular properties come under the HP zoning ordinance. This ordinance was done in 1995 and these three lots under application to be removed from the HP district were placed in the HP district simply because they met the criteria for being placed there. It was done by the residents who live in the subject area and it was done by the TPC, who recommended it, and it was approved by the Planning Commission and City Council. Therefore, the subject three lots were included in the district.

Mr. Gilmore stated that currently the subject property includes a house, and technically the house meets the criteria of the HP district today. So technically, as a Commission, they had to deny the request for the demolition of the subject property because it meets the ordinance and therefore, the TPC did deny the

addition of the third lot to this development. Historical Preservation is an overlay zoning and is on top of the existing zoning. The existing zoning is commercial and allows for commercial property to be built on the subject properties. The TPC understands this and has worked with developers in the developing these commercial properties. Historical zoning is for the protection of the people who request it. The residents ask that strict restrictions be placed on themselves in what they can do with their property within that HP-zoned area. The TPC's job is to look for areas that might infringe on their property and try to reach compromises with the developer and the homeowners that will in fact enhance their neighborhood and not take away from it. He commented that he feels this project does this. The TPC feels that because of the technical aspect, the TPC would deny this request for a removal of these properties from the HP zoning. This would be plowing new ground, as removing HP zoning has never been done before. This request needs to be carefully weighed against what will happen if this is done. There are some things that could happen later down Utica as development continues that could cause some concern, and there may be several other applications come before the Planning Commission as the redevelopment in Tulsa occurs. This is a problem in all of the fringe areas that about HP zoning and should be addressed by the Planning Commission, TPC and the neighborhood. Mr. Gilmore concluded that the removal of these properties from the HP zoning would not improve or change anything as far as this development is concerned. He believes that in order to protect the neighborhood, this should not be allowed in this area. There is nothing that would not permit the developer to build his building on this property whether it is HP-zoned or not. Under the guidelines of the Yorktown subdivision, commercial property is allowed in a HP area. All it does is give the neighborhood a chance to have these properties reviewed by the TPC, and by reviewing them, this gives them protection. If this is removed the neighborhoods no longer have this protection. Mr. Gilmore requested that the Planning Commission deny the rezoning request.

TMAPC COMMENTS:

Mr. Jackson asked if the HP districts have PK zoning, which would be allowed on the lots where Mr. Norman is requesting the properties removed from the HP zoning. In response, Mr. Gilmore stated that they can have parking on the lots.

Mr. Jackson asked staff if they could concur with Mr. Gilmore regarding the parking. In response, Mr. Alberty stated that it would not be allowed under its current zoning because it is zoned RS-3, which does not permit parking. It would require the rezoning or with PUD approval. Mr. Alberty explained that he believes Mr. Gilmore was responding to the plan, which would probably permit the parking.

Mr. Gilmore stated that the TPC doesn't have anything to do with how the property is used and that would be up to the Planning Commission. HP zoning can allow parking in a historical neighborhood.

Mr. Harmon stated that it seems to him that the fact that the Planning Commission is looking at removing the HP zoning today has resulted primarily because of the actions of the TPC. The property is going to be demolished within 60 days and then if the certificate of appropriateness was given, then Mr. Norman's client could have a parking lot and still have the HP zoning in place. The fact that the TPC wouldn't approve the certificate of appropriateness is why he is requesting the removal of the three properties. In response, Mr. Gilmore stated that he can't say what will happen in the future. In response, Mr. Harmon stated that he is talking about the existing three lots. In response, Mr. Gilmore stated that there is a house on one of these three lots. In response, Mr. Harmon stated that the property will be demolished when the 60 days is up. Mr. Gilmore responded that the property is not demolished at this time and technically something could happen to the developer tomorrow. Mr. Harmon stated that, technically, it can be demolished in a few days. Mr. Gilmore agreed with Mr. Harmon's statement.

Mr. Harmon stated that had the TPC granted the certificate of appropriateness and let the applicant use the lots as parking lots, then the HP overlay would still be in place. In response, Mr. Gilmore answered affirmatively. Mr. Harmon asked Mr. Gilmore if what he wanted is to have the HP overlay remain on the three lots. Mr. Gilmore stated that he does not want the three lots removed from the HP zoning. Mr. Gilmore further stated that the question regarding the COA is with the Board of Adjustment.

Mr. Westervelt asked Mr. Gilmore if he concurs with Legal and staff that there are two avenues to get this resolved, which is the BOA appeal or allowing the Planning Commission to determine that the HP zoning should be removed and make a recommendation to the City Council. Mr. Gilmore agreed.

Mr. Westervelt asked Mr. Gilmore if there would be a straight alignment if the three lots were removed from the HP district and the fact that the property immediately across from the three lots is not in the HP district. Mr. Gilmore stated that the neighborhood is concerned that a domino effect could begin in their area. Once a precedent is set, it has a way of getting out of control. If one looks at the zoning map, there are no straight lines and if the logic is that the HP lines should be in alignment, why shouldn't the zoning lines be straight? Mr. Westervelt stated that the Planning Commission does try to align the zoning boundaries. Mr. Westervelt asked Mr. Gilmore if he sees any further compromise between TPC, short of the BOA appeal, that would make any difference in their position they have taken. In response, Mr. Gilmore stated that the TPC is not speaking to the development itself, but strictly speaking to HP overlay zoning today.

Mr. Midget asked Mr. Gilmore if he believes that removing the three lots from the HP district would lessen the residents' ability to have some say or protection.

What is the scope of the protection TPC is referring to? Mr. Gilmore stated that the TPC does act as review body for anything that is being constructed or done in the HP zoning district. This gives the neighborhood some sense of comfort, knowing that there is another body to review what happens within their neighborhood that might affect their houses.

Mr. Midget stated that it seems to him that a PUD and the opportunity to impose conditions on the development would still provide the protection without diminishing the importance or significance of having an HP-designated overlay in the subject area. He asked why the neighborhood would want some involvement in the development. This seems to be inconsistent with what Mr. Gilmore stated earlier, that the TPC is not concerned about the development, just the removal of the designation.

Mr. Gilmore stated that the TPC has already put their stamp on the development itself when it was approved with the two additional lots. He believes that it is a quality development and the neighborhood feels that it is a quality development. The concern is that by removing the zoning, it would be setting a precedent and it may be taking away some protection that the people living in the area might have.

Mr. Westervelt stated that he believes Mr. Gilmore just articulated the point that is driving this issue.

Mr. Boulden asked Mr. Gilmore if there is any other resource, besides the existing house, that would be maintained and protected by the HP zoning. In response, Mr. Gilmore stated that once the building is demolished or removed, the property doesn't meet the criteria for HP zoning.

INTERESTED PARTIES:

Jim Turner, Chair of Certificate of Appropriateness Subcommittee for TPC (COA), 320 South Boston, Tulsa, Oklahoma 74103, stated that leaving the HP zoning on the three lots would provide a review of anything that was changed to the PUD in those lots. If the developer, in the future, decided to put his trash dumpster on the lots or another access point or some change it would require a review. This is the only protection that the HP zoning would give in the future.

Mr. Turner stated that he believes that if the access point onto Victor was not proposed, which is not a question for the TPC to review, the additional parking that Mr. Norman made a case for as being needed for the penthouse, could be provided. Another layout of this parking lot would be possible if that access point were not present.

Mr. Westervelt stated that he thought the discussion was going to stay away from the project and go the HP zoning.

Mr. Turner stated that this is one of the reasons that the TPC felt that the third house was not necessary in the development. He commented that Mr. Norman had put forward the development with the two houses before and then he came back seeking to demolish the third house and that is one of the reasons it was denied, because if it worked before why is it not working now? He stated that Mr. Norman is putting forth the case that he needed additional parking, but he is getting more parking than needed.

Mr. Westervelt asked Mr. Turner if his perspective is a little different from Mr. Gilmore's. He further stated that Mr. Turner is more concerned about the project itself, the access and where dumpsters might be located. In response, Mr. Turner stated that the access is not a question for the TPC. Mr. Turner explained that he is simply stating that he believes that alternate layouts of the site could provide the four additional parking spaces that Mr. Norman needs for the penthouse and could be provided without removing the third house.

Mr. Turner stated that the COA subcommittee is made up of members from the TPC and members of the neighborhood. It is one of the venues where members of the neighborhood can come into the TPC and have an influence on the way the TPC acts. The encroachment of the third house into the neighborhood was one of the main concerns of the COA subcommittee and the neighborhood representatives. This was the main reason for denial of the third house going into that development. The TPC did vote to deny parking on the third lot and the parking is reviewable, the TPC believes, under the preservation ordinance. Parking on the third lot was denied in addition to voting against the demolition of the house.

Mr. Westervelt asked Mr. Turner the reason for not allowing the parking on the third lot. In response, Mr. Turner stated that it was due to the encroachment on the neighborhood and the TPC didn't believe there was a need for additional parking.

Mr. Turner stated that the nature of the HP overlay zoning is a little bit different from the regular zoning classifications for the City of Tulsa. The nature of it is preservation of the area that is being zoned HP. The purpose of the HP zoning is to try to preserve the assets and the neighborhood; and the houses are the individual pieces that make up that neighborhood. This is different from rezoning from AG to commercial or some other zoning. The houses on the subject three lots were put into the HP district because they were found to be contributing to the district. The overlay zoning was in place to protect those houses.

INTERESTED PARTIES OPPOSING Z-6977/PUD-708-A:

Richard Reeder, 1616 South Victor, Tulsa, Oklahoma 74104; **Lisa D'Apolito**, 1816 East 16th Street, Tulsa, Oklahoma 74104; **Susan McKee**, 1616 South Victor, Tulsa, Oklahoma 74104; **Robert Bryant**, 1804 East 16th Place, Tulsa, Oklahoma 74104; **Jeanie Cullinan**, 1562 East 21st Street, Tulsa, Oklahoma

74114; **Michelle Cantrell**, submitted a letter of protest from the Maple Ridge Association (Exhibit E-4), 1850 East 16th Place, Tulsa, Oklahoma 74104; **Midge Alexander**, submitted a letter from hearing impaired neighbor unable to attend today (Exhibit E-4), 1815 East 16th Place, Tulsa, Oklahoma 74104; **Aaron Griffith**, 1425 South Quincy Avenue, Apt. 3, Tulsa, Oklahoma 74120; **Pam Crandall**, 2140 East 18th Street, Tulsa, Oklahoma 74104; **Mark Radzinski**, 1552 South Yorktown, Tulsa, Oklahoma 74104; **Ryan Jantz**, submitted photographs regarding the turn radius on drive-through banks (Exhibit E-3 and E-1), 1807 East 16th Place, Tulsa, Oklahoma 74104; **Dusty Peck**, Representing the Swan Lake Association, 1716 South Quincy, Tulsa, Oklahoma 74104; **Mona Miller**, representing Homeowners for Fair Zoning, 7211 South Gary Place, Tulsa, Oklahoma 74136; Interested parties submitted photographs (Exhibit E-1 and E-3).

COMMENTS FROM INTERESTED PARTIES OPPOSING Z-6077/PUD-708-A:

Additional traffic concerns; the City Council previously denied the curb cut and now Mr. Norman is back with a proposal for a curb cut on Victor again; removing the lots from the HP district may start a domino effect; safety issues; loss of another house from the residential neighborhood; not opposed to the bank, but do not remove the HP layer and do not approve the curb cut onto Victor; removing the HP layer would eliminate the review process that the neighborhood is able to participate in; the residents are not able to opt out of the HP district and this shouldn't be allowed today by the developer; a directional curb cut will not eliminate traffic from turning back into the neighborhood; residents voted to have the HP overlay approved knowing the restrictions; the Planning Commission's decision today will impact the neighborhood and her home; the traffic count is misleading; the bank has three other accesses and doesn't need the fourth access; the bank will be an asset to the subject area; people buy homes in HP districts because they love older homes and welcome the restrictions of the HP ordinance; the removal of the homes could start a "chipping away effect" in the HP district; once the encroachment happens it can't be taken back; one of the reasons the COA was granted the first time was because the residents were not notified when it went to the TPC and the impression of the TPC was that the neighborhood had no objections to replacing two historical houses with a parking lot; the residents were present during the third lot requests and made it very clear that the proposed parking lot did not meet the guidelines of the HP ordinance; the residents understand that HP zoning would not stop commercial encroachment; the main concern is maintaining the architecture in the HP district; the Cancer Center lots were originally approved to be in the HP zoning until they were removed from during a closed TPC meeting; even though the house would be destroyed on the third lot, it will still meet the requirement for HP zoning because it is included in the National Register (all three lots are included in the National Register boundaries); HP zoning overlay does not mean that each and every house in the overlay is historically significant; the reason the HP borders are set is to establish a general area that was believed by the City and City Council to be protected and a way to maintain historically significant characteristics; it is not in

the best interest of the neighborhood or the City of Tulsa to remove the three lots from the HP zoning; the existing traffic shouldn't be used as a basis for allowing additional curb cuts onto Victor Avenue in order to allow more traffic defies logic; the offer for speed humps is welcomed, but it will not prevent the traffic; the argument about aligning the zoning lines doesn't make sense because the City Council districts would have to be redrawn; curb cut would create the potential for damage with stormwater; there is never a guarantee with zoning and a developer is taking a chance when he purchases property without the proper zoning; there is a potential that the developer would want to expand the west elevation and then would need more room; HP doesn't seem to give the protection to the residents that it was supposed to; once this chipping away of the HP zoning starts it will begin on the 21st Street side as well; the bank is not the owner of the subject property and will be leasing the subject property; the three houses were owner-occupied houses at the time that the HP overlay came about and they voted in favor of the HP zoning; if the bank outgrows the subject property, then the HP overlay would protect the three lots and require another review if a new owner comes in; the bank will bring traffic from 21st into the subject area; it is not important to see straight lines for the HP overlay; the applicant shouldn't be able to come back with the curb cut since the City Council denied it; a business moving next to residences should be good neighbors and work with them regarding access points; the bank would like to have four access points and claims that the access point on Victor is needed because the alleyway off of 16th is too treacherous to use; the alleyway is wide enough for two vehicles to pass and four access points to a business in the subject area is an anomaly; curb diverters do not work; **five minutes recess for TGOV tape change (4:35 to 4:40 p.m.)**; if the subject property is allowed to be removed from the HP zoning it would make a joke out of the TPC.

TMAPC COMMENTS:

Mr. Harmon asked Ms. McKee if he had any idea why the bank would want to locate on the subject property. In response, Ms. McKee stated that they would like to build on the subject property to quote: "in order to allow the bank to serve a significant part of the medical community, as well as, mid-town residents".

Mr. Harmon stated that the bank would want to locate on the subject property because there already are 1600 cars a day, not because they are going to bring 1600 cars a day to the neighborhood. Mr. Norman further stated that it wouldn't matter whether it was this development or another development, this corner is going to be developed and the traffic already exists. Ms. McKee stated that any added to it is going to make it unbearable and it is the Planning Commission's requirement to help lessen and not increase the traffic on the residential streets.

Mr. Midget asked Ms. Alexander if she is opposed to the parking lot. Ms. Alexander stated that there isn't much she could say about the first two lots, but she doesn't know if she is completely opposed to parking areas. However, she is opposed to the houses being demolished.

Mr. Westervelt informed Mr. Griffith that the stormwater issues will be handled through Stormwater Management. He stated that the applicant will not be able to discharge any more water than is currently discharged from the existing property. The applicant will have to accept the water coming to the existing property and it has to pass the water that leaves. How this is dealt with is an issue with Public Works.

Mr. Westervelt stated that the curb cut is in a different location than the first PUD and that is the reason it is back before the Planning Commission. Mr. Westervelt further stated that the Planning Commission is processing the application that has been brought before them today, nothing more.

Mr. Radzinski commented that he has attended eleven meetings regarding the subject property and by the time it reaches the City Council, he will have attended possibly 13 meetings. Mr. Radzinski further commented that this has been a waste of time.

Mr. Westervelt responded to Mr. Radzinski that it is a good thing that there is a public process and he believes that the process works. He stated that he is glad Mr. Radzinski participated in the public hearings even though it takes a lot of time. It is a good thing for the citizens to do.

Mr. Westervelt pointed out that Stillwater National Bank, across the street from the subject property, has five access points and four access points for the subject property would not be setting a precedent.

INTERESTED PARTIES:

Mr. Greg Jennings, 2260 South Troost, Tulsa, Oklahoma 74114, submitted photographs (Exhibit E-1 and E-3), stating that he has spent numerous years in New York City where the housing and preservation regulation is quite strict. He indicated that he lived in an HP district for two years and spent an enormous amount of money to keep his home repaired. However, the subject house at 1815 lost its historic value once the addition was added. He appreciates that they are attempting to keep the neighborhood in a historical district, but when something is altered, it loses its historical value.

Mr. Jennings stated that TPC is concerned about properties being removed from the HP district and losing the HP overlay, which he fully appreciates. The remark that once the overlay is in place, it should never change is incorrect and actually it could have been the other way around: that had the three lots not been included in the HP district, would the residents come and say that they should be included into the HP district? He doesn't believe so because the lots do not contribute to the HP district. He believes that the process works like it should and if someone wants to change it, then they try to change it through the process. This is a very appropriate thing happening today.

Mr. Jennings stated that he originally came today to recommend that the three properties be removed from the HP zoning; however, after listening to some of the comments from the residents he believes that there is an easy compromise available. It has already been stated that the subject house will be removed soon, which is a fact and there is nothing anyone can do stop it from being removed or destroyed. Therefore there will be a lot left behind and he believes that a compromise could be reached by the developers and the neighborhood by allowing the HP zoning remain and the developer to rezone the subject lot, as well as the other two lots for parking. This would give the developer the requirements that they need in order to have the penthouse and the neighborhood gets what they need by leaving this in an HP overlay. Any subsequent change would require another review by the TPC and go through this process again. He believes this would be a very reasonable compromise from both sides.

Mr. Jennings stated that there has been a redesign, which is funded, for the 15th and Utica intersection that should somewhat relieve the Victor Avenue congestion. There is a lot of traffic already existing on Victor Avenue, and now it sounds like the developer should be punished by not allowing a curb cut that he feels he needs. Existing traffic on the street isn't going to go away if this curb cut is allowed or not allowed. He indicated that he lives close to the development at 21st and Utica, where this developer has developed the bank and surrounding properties. The photographs shown earlier of a house being torn down is a lot that someone paid \$300,000.00 and is being redeveloped. The house on the other side of the development was recently moved to another location and someone is developing a two-story house in its place. The property owners across the street from the 21st and Utica bank development liked the architecture of the bank enough to incorporate the same look into their own house. The bank at 21st and Utica does not allow a left-turn onto Utica, but they can turn right onto Utica or onto Troost. He does not see any noticeable traffic from the people exiting the garage onto Troost. No one wants to drive through a residential neighborhood to get to another major street. Victor doesn't really go anywhere except to a parking garage. The developer is offering to install speed humps and trying to work with this neighborhood to make this development positive all the way around.

Mr. Westervelt requested Mr. Norman to keep his rebuttal to ten minutes.

Applicant's Rebuttal:

Mr. Norman stated that he would try to keep his rebuttal to ten minutes, but there were several issues. He pointed out that the same people who are opposing the removal of the subject property from the HP district are the ones who opposed the granting of the COA at the TPC meeting. The driveway issue is not before the TPC, but a member of the TPC stated that if the driveway had not been on the plans, it would have probably been approved. Another member stated that

technically the house is still on the property, but that is relying on something that was revealed to the Planning Commission and TPC that the house will be removed. He should be entitled to a recommendation and decision based upon that fact that was given to TPC in good faith and accuracy. The process that he encountered is one in which the subcommittee recommendation comes to the full committee and the neighbors are on the committee. Mr. Radzinski was the one to make the motion to deny the COA as a member of the subcommittee. If the people who would like to keep the subject properties within the HP district had supported the project at the TPC meeting, this wouldn't have occurred at all.

Mr. Norman stated that now he has to prove that the requested 40 feet would not have an adverse effect on the blue house. The blue house was considered to be non-contributory when the property was included within the HP district ten years ago. The property owner has indicated that he does not have any objections to the parking area. The TPC found that in the first instance, they would deny the demolition on all three lots and he did not appeal the demolition denial to the BOA. The TPC approved the parking on the first two lots and found that the parking lot would not have an adverse effect on the 40-foot wide lot that is now before the Planning Commission. Apparently they believe it will have an adverse effect on the property at 1522 next door (blue house). How can the design of the landscaping that was approved as having no adverse effect on 1518 now have some adverse effect on the non-contributory house at 1522?

Mr. Norman stated that under HP guidelines, there must be some embodiment of distinguishing characteristics, designs, details, materials or craftsmanship which represent historically significant architectural or engineering innovation type style or specimen. The addition of the two-story element onto the "kit-built" house destroyed its historic character. The inventory, in many instances, recognized that if a previous building with historic characteristics had been altered, it was not counted as contributory. He explained that he has been trying to work within the system and going to meetings, submitting applications, etc.

Mr. Norman reiterated that his client has offered to pay for speed humps and yet the neighborhood that is concerned about speed has never asked for speed humps. He commented that Ms. McKee's discussion of the traffic analysis that was prepared by Mr. Jon Eshelman was incorrect. The traffic report was based upon the trip generation and characteristics of banks as they exist within international standards. He indicated that Mr. Eshelman believes that the standards are overstated. The Stillwater Bank was observed and found that the trips were fewer than what would be predicted by the trip generation characteristics, but he used those in his report regardless. The report was made on the basis that everyone would ignore the left-turn restrictions, and in Mr. Eshelman's opinion, most people will observe the restriction. The analysis was that in the worst case basis, there would be eight cars added onto Victor Avenue traffic south of the driveway in the morning peak period and 20 cars in the evening peak period. He believes that the cars will exit the same as they enter

without driving through the neighborhood. He stated that 15th & Utica is programmed and planned to be redeveloped and will decrease the congestion.

Mr. Norman stated that there is nothing in the concept of historic preservation that forces a property owner to keep a building on his property if he does not choose to do so. It is a fundamental right to demolish the subject building and he has said all along that this would happen. This is why he has requested that this be reviewed and recommendations made based on the proposal as it is made. The three lots should not have been included in the HP district according to the alignment, particularly when there is a non-contributory building and a vacant lot to the south. With the approved landscape plan, how could the requested 40 feet have an adverse effect on the remainder of the neighborhood? From a standpoint of the denial of the COA it is not consistent with the TPC's actions before and it is not consistent with logic. It ignores the relationship between the subject property and the blue house to the south. The blue house to the south's owner has stated that he has no objection to living next door to a parking area that has been landscaped in the way it is provided. More than \$100,000.00 is budgeted for landscaping on this project once it is completed. Presently at 17th Street and Victor there is a parking lot that has been located there for at least 20 years, which he handled the application on behalf of St. John Medical Center and there are several homes within the HP district looking into the parking lot. They have not experienced any adverse effect economically or otherwise. The parking lot is landscaped and the landscaping has developed over the years to make it a very fine and suitable addition to the neighborhood. It is fallacious to say that a parking area properly regulated in a PUD and properly landscaped cannot be consistent with the concepts of the HP district where the relationship is appropriately regulated by the mechanism of a PUD.

Mr. Westervelt asked Mr. Norman to wrap up his rebuttal.

Mr. Norman stated that it appears to him that this developer receives no credit for having proposed a development for office use only, which is far below what could be expected on this type of intersection corner where the CG zoning is underlying the corner itself. Even with the Arvest Bank, which has hours of 8:00 a.m. to 8:00 p.m., it still closes and the traffic generated from this kind of facility would be far less significant than what would occur under any other sort of commercial or retail services. The peak periods are different from those on Victor where the traffic is going to and from work. He stated that he has addressed the safety aspects and no one has complained about the project, landscaping or screening. He believes that the only reason he is before the Planning Commission over 40 feet is the fear of a domino effect, that just because the Planning Commission may approve a change in zoning that is appropriate under the facts, it may happen over and over. This has not occurred and it is not the process by which we live and it is not likely to occur here, unless there are good and sufficient reasons for the Planning Commission and the City Council to change the TMAPC's opinion. When interested parties use the same

description of fear, i.e., that the Planning Commission and the City Council will continue to chip away their neighborhood or HP zoning, it shows that they have no confidence in the process, the staff, the Planning Commission and the members of the City Council to make appropriate decisions that guide the development of our City. There will be more and more infill in our community and these things can be worked out. This project conforms to the new architecture and it pushes the building to the sidewalk on the arterial streets and away from the neighborhood. The parking is on the back and inside rather than out in the front.

Mr. Westervelt informed Mr. Norman that he has two minutes left.

Mr. Norman requested that the Planning Commission reaffirm their vote and approval of the PUD, which the Planning Commission voted unanimously to approve in September with a modified access to Victor, and which has been relocated farther to the north. He further requested that the Planning Commission recommend that the three lots be excluded from the HP overlay zoning. He indicated that his client is not opposed to, and he doesn't believe anyone could say that his client hasn't tried to participate and cooperate in, the planning process. He stated that he has done everything to respond to every issue that has been raised and yet he is still met with the response of chipping away and dominoes falling. This is not the history of the neighborhoods and it is not the history in this part of Tulsa. It will not happen here unless it is done for good and sufficient planning cause and reason. Staff is recommending approval of the PUD as amended and he would request that the TMAPC make the same recommendation. He indicated that staff is also recommended the removal of the three properties from the HP district on the basis that they should never have been included under the facts before the Planning Commission today. If the City Council sees fit to agree with those recommendations, then the appeal to the BOA will be moot and everyone will be saved the time, expense and effort of presenting this type of hearing again to the BOA and perhaps appeals from one or both of us from that kind of decision. Mr. Norman concluded that he and his client are available to work with the neighborhood and he believes that they have responded in many ways greater than could ever be expected. He stated that he would continue to work with the neighborhood.

TMAPC COMMENTS:

Mr. Midget asked Mr. Norman whether if the TPC had granted him a COA he would be here today discussing the removal of the three lots from the HP district. Mr. Norman stated that he wouldn't be here requesting the deletion of the three lots from the HP district if the TPC had amended the COA to add the 40 feet to the previously-approved COA.

Mr. Westervelt asked Mr. Norman if there was the ability to expand the height of the building. In response, Mr. Norman stated that the building is not designed for

any additional floors and structurally it would not be possible to expand the height.

Mr. Norman stated that there was a question about stormwater drainage and presently this project doesn't increase the stormwater runoff because it was all occupied and paved by Moss. He indicated that 80 percent of the drainage will be piped directly into the storm sewer and will eliminate a great deal of the sheet flow that may have been referred to.

Mr. Boulden asked Mr. Norman if the existing house that is scheduled to be removed, in his opinion, is a historic resource in the HP district. In response, Mr. Norman stated that it isn't in his opinion and he could show where the catalog firm sold the house as a kit house.

Mr. Boulden asked Mr. Norman if the TPC has designated the existing home as a historic resource. In response, Mr. Norman stated that the existing home was listed in the inventory of the Yorktown HP district and it was found as contributory because it was a craftsman home built in the 1920's for moderate to lower income housing.

Mr. Boulden stated that under the Zoning Code, Chapter 10, it defines preservation (Mr. Boulden read some of the criteria). Mr. Boulden asked Mr. Norman if the existing property remained HP zoned, he would agree that the TPC would have to retain some type of jurisdiction over any building that might be reconstructed on that same site. Mr. Norman answered affirmatively. Mr. Norman stated that the Yorktown guidelines even call for non-residential uses within the boundaries of the HP district and had some guidelines for considering those. Those guidelines were applied in the approval of the COA for the first two lots. Those first two houses were also found to be contributory in the original inventory, but the dilemma he is facing is that he was approved for the first two lots, but 40 feet farther he is denied.

Mr. Boulden asked Mr. Norman if the entire property would be platted as Lot 1, Block 1 so that the lot lines will be lost where the historic properties exist currently. Mr. Norman stated that the subject property was approved last summer and last fall and it has been replatted, as requirement for obtaining a building permit. It was platted into two lots due to the public alley, which had to remain because it serves properties to the south. If the plan is amended to add the 40 feet to the PUD, then it will have to be replatted or the plat will have to be amended to add the 40 feet to the already approved plat.

Mr. Boulden asked if the lot lines that are currently in the HP district will disappear. In response, Mr. Norman answered affirmatively.

Mr. Westervelt asked Mr. Norman if he had any projections of the cost for this facility and/or any change in ad valorem taxes. Mr. Westervelt explained that this

doesn't drive any decisions, but he does want to know this in context of all else he has heard about. In response, Mr. Norman stated that the total cost of the project is more than three million dollars and ad valorem taxes may be more than that because the underlying lots probably had a lower appraisal in the past than they will have now because of the change in use. Mr. Norman stated that he doesn't check this type of issue out because they are not ordinarily relevant. Mr. Norman stated that the purchase price of the land goes directly to the Assessor's Office and the cost of construction is a matter of public record from the building permit. Mr. Norman stated that he is not arguing this before the Planning Commission because this is a benefit that the community receives from any redevelopment or infill development. However, development should be encouraged and the developers that take the risk.

Mr. Westervelt asked Mr. Norman whether if the TPC had allowed this house to come down and granted the COA, the HP zoning would be left in place. Mr. Norman stated that he would not have asked for the removal of the HP zoning had the COA been approved on the additional 40 feet. He commented that he never opposed the HP until TPC denied the use. He indicated that the vote for the denial of the COA was 4-2.

Mr. Westervelt thanked everyone for participating on this application. He commented that he is frustrated that the Planning Commission is hearing this when there is 40 feet being discussed and it could have been left in HP zoning and resolved Mr. Gilmore's primary concern. He commented that he is befuddled on how this situation came about.

Mr. Jackson stated that today the Planning Commission heard a lot of information and a lot of misinformation. As long as he has been on the Planning Commission, it has been the Planning Commission's attempt to align the zoning lines. The Planning Commission looks at the five-acre nodes at major intersections, and when looking at rural subdivisions, check to see if the CS would encroach into neighborhoods (versus the AG or RE). He wanted everyone to know that the Planning Commission attempts to line up the lines for zoning. Every application that comes before the Planning Commission stands on its own merits and an occurrence in one place doesn't mean that it will happen over and over. The neighborhood will not lose any protections if the three lots are removed from the HP district because the application is within a PUD and all minor and major amendments come before the Planning Commission. The neighborhood has recourse with the Planning Commission by attending the meetings and participating. Mr. Jackson concluded that he attends the Health Center at St. Johns on 19th and Wheeling five times a week and he has never turned down Victor. He explained that he goes to 19th Street or 17th Street. He further explained that he passes the St. John garage entrance every day and everyone who uses that garage is not coming down Victor. He commented that when businesses have access points with diverters, it makes one hesitate. In some neighborhoods there are patrol officers that help enforce the no left-turn.

Fox TV has been going to neighborhoods to sting people speeding through neighborhoods. The Planning Commission is not a rubber-stamp board and the recommendations made are what the Planning Commission believe benefit Tulsa Metropolitan Area. He commented that he likes the site plan and the context and he doesn't have any problem with the three lots being eliminated from the HP zoning category and aligning the lines since it is within a PUD.

Mr. Harmon stated that he likes the PUD and believes that it fits. It is good city planning and appropriate for the neighborhood. He commented that he believes the bank will be a good neighbor to the existing residents. The Victor Avenue exit is a never-ending point of contention and perhaps there is a way to solve this. Regarding the HP overlay, he stated that he wishes that the TPC had been more flexible when addressing these issues. He indicated that he is not particularly fond of removing the HP overlay, but he doesn't feel that it would be detrimental to the neighborhood and it wouldn't be precedent setting for other areas. He wishes that the TPC had saved their ammunition to preserve truly historic buildings and not get so hung up on an artificial boundary. He indicated that he would be supporting Z-6977 and PUD-708-A.

Mr. Midget stated that he would support the development. He expressed his disappointment that something couldn't have been worked out through the TPC in reference to the additional 40 feet. He commented that the Planning Commission has worked with the TPC in the past by trying to be more flexible in the neighborhoods and allowing new houses to be built in HP areas. He indicated that he is less disturbed about removing the HP overlay from the three lots because it is in a PUD. It doesn't matter what the building is, it is in a PUD. If the owner were to sell it tomorrow and the new owner comes in with a different use, they would have to come back to the Planning Commission and the residents in the area would be notified, which creates an opportunity for the residents to protect the area and take part in the process.

Mr. Midget stated that the only thing he has a problem with is the access onto Victor. He voted for access onto Victor the first time this application was brought through because he didn't believe that there would be that much traffic generated onto Victor. The issue he has today is that this PUD went before the City Council and they did not approve the access onto Victor. The Planning Commission is only a recommending board. He is struggling with whether to send this back to City Council with a modified access onto Victor because the Planning Commission gets enough criticism and berating from the City Council about some of the decisions made. He doesn't want to be in the position of having that done again after the City Council denied the original access point. He commented that after it reaches the City Council they may decide to grant the access, but he isn't settled with it right now. Mr. Midget concluded that the protection of the neighborhood can be done with the PUD and it makes good sense to straighten the line out. He knows for a fact that in 1995, had those

three properties been commercial when it was designated, it wouldn't have been in the HP district and the line would have been straight then.

Mr. Westervelt stated that he is going to echo what he has heard from Mr. Midget and Mr. Jackson. In addition to the issues brought forward, he believes the widening of 15th Street and the turn lanes will make a tremendous difference in the way the traffic flows through this intersection, which is a key element in looking at the subject development. This is a high-quality development and it is nearly identical to the situation that is present on the other side of the street (Stillwater Bank), which the Planning Commission and residents have had a chance to watch as a test case. It seems to be working out well. It is important to keep in mind that when the TMAPC says "neighborhood" and then says "the developers," or says "the neighborhoods and commercial properties", somehow there has to be a way to recognize that the neighborhoods do not stay healthy and viable if there are not good services available to those homes. By the same token, those commercial businesses and services aren't there if there are not healthy rooftops. The community is much broader than a line between rooftops and commercial structures and somehow this needs to be conveyed.

Mr. Westervelt stated that he finds it very frustrating that there wasn't more flexibility from TPC, and he does not enjoy the fact that there is a built-in conflict if the Planning Commission chooses to make a change in something the TPC did. He commented that he has great respect for Mr. Gilmore and the people who serve on the TPC board, but he has a very different opinion of the subject three lots and particularly the 40-foot section that is being discussed today. The PUD will provide good protection and he saw and approves that there are no trash dumpsters on the other side of the alley that will ever be on the HP lots, if indeed the Planning Commission chooses to remove the three lots from the HP zoning. Mr. Westervelt concluded by thanking everyone for the manner in which they delivered their information. It has been a long meeting with good information.

Mr. Westervelt stated that regarding the access onto Victor, he supported it once it was turned into a right-in and left-out only access point. He is of the opinion that it can be described in a restrictive enough way to indeed do this. The access point has been moved closer to the north (15th Street). It is important that the Planning Commission look at its zoning laws, policy and procedures, staff recommendations in a consistent fashion, then make a recommendation. If the City Council chooses to change or ignore recommendations that the Planning Commission has made, that is fine, but the mere fact that he knows that the City Council has looked at the access point previously and changed their minds is not compelling enough information for him to change his opinion. His opinion is based on technical information, and the Council's information is a little more complex when they start bringing the political element into it. He is not going to have any trouble recommending the access point to the City Council and they

are capable of making the decision to remove the access point or to change their minds and approve it this time.

Mr. Boulden reminded the Planning Commission that there should be two votes on this application. He explained that there should be one vote on the straight zoning application and one vote for the PUD application, since they are separate issues.

Mr. Ard stated that he is a member of the Maple Ridge Homeowners Association Board of Directors and the association has sent a letter today asking for denial of the subject application. He believes that, to be in accordance with the code of ethics, he should abstain. He apologized for not mentioning this earlier because he didn't realize this letter was forthcoming.

Mr. Westervelt asked Mr. Ard if he was on the board and didn't know the letter was coming to the Planning Commission. In response, Mr. Ard stated that he didn't realize the letter was coming.

Mr. Harmon stated that he believes that the PUD could be designed to accommodate the customers at the bank without having to go onto Victor. He believes he will have to change his mind regarding this access point. If this becomes a never-ending sore point to the neighbors, then maybe it would be best for the bank to take the access point out of the plan. The customers can reach 15th Street by going to the west by the law offices and it will not be a huge impediment to the traffic flow of the bank's customers.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-2** (Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; Ard, Bayles "abstaining"; Carnes, Dick, Ledford "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-6977 and removing the HP zoning from the subject three lots per staff recommendation.

Legal Description for Z-6977:

Lot 3, Block 1, and the North 40' of Lot 4, Block 1, and the South 10' of Lot 4, and the north 30' of Lot 5, Block 1, Orcutt Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to recorded plat thereof, and located south of the southwest corner of East 15th Street and South Victor Avenue (a/k/a 1512, 1514 and 1518 S. Victor Avenue, Tulsa, Oklahoma, **From RS-3/HP/PUD (Residential Single-family High Density District/Historic Preservation District/Planned Unit Development) To RS-3/PUD (Residential Single-family High Density District/Planned Unit Development).**

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **4-2-2** (Harmon, Hill, Horner, Midget "aye"; Jackson, Westervelt "nays"; Ard, Bayles "abstaining"; Carnes, Dick, Ledford "absent") to recommend **APPROVAL** of the major amendment for PUD-

708-A, per staff recommendation, subject to the removal of the Victor access as modified by the Planning Commission.

Legal Description for PUD-708-A:

The West Half of Lot 1 and 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, and the South 10' of Lot 4, and the North 30' of Lot 5, Block 1, Orcutt Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located on the southeast corner of East 15th Street and South Utica Avenue, Tulsa, Oklahoma, **FROM CH/ PK/ OL/ RS-3/ HP/PUD (Commercial High Intensity District/Parking District/Office Low Intensity District/Residential Single-family High Density District/Historic Preservation District/Planned Unit Development [PUD-708]) 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-A]).**

* * * * *

Mr. Westervelt called for a five minute recess at 5:35 p.m.

Mr. Westervelt called the TMAPC meeting back to order at 5:40 p.m.

Mr. Westervelt announced that the BOA Report will be moved to the end of the agenda.

The Estates of River Oaks – (8734)

(PD-26) (CD-8)

South of East 116th Street, West of South Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 23 lots, one block, on 15 acres.

The following issues were discussed February 17, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG with PUD 713 pending. All PUD conditions must be met.
2. **Streets:** Designate the access easement at the south end as an “emergency access easement”. Design a transition or drive between the private street and the emergency access. See PUD Comments. The emergency access easement will not be for the entire public access.
3. **Sewer:** Several lots slope down and away from the proposed sanitary sewer line; therefore, minimum finished floor elevations must be added to the plat

to insure that the homes can be served by the sanitary sewer. Lots that will require elevation certificates are 5, 6, 7, 8, 9, 16, 19, 20 and 21, Block 1. Add language to the covenants concerning the elevation certificate requirement. A sewer tap will not be issued if the minimum elevation requirement has not been met. The sanitary sewer must connect to an existing system. The design concept does not connect to anything. Redesign the alignment of the proposed sewer lines in the cul-de-sacs to maintain the required ten-foot horizontal and two-foot vertical separation from the proposed water lines. Make sure all lines terminating in a manhole extend a minimum of 15 feet into the property being served. An SSID will be required.

4. **Water:** Dimension U/E or restrictive water line easement into Frenchman's Creek. Additional valves and tees will be needed. A water line segment needs to be removed. A contract will be required.
5. **Storm Drainage:** Reserve C is a stormwater detention easement and must be exclusive of all other easements. Place bearings and distances on all lines that bound the stormwater detention portion of Reserve C. Add a distance for the leg of Reserve B, which has a bearing of N 15 degrees 51'31" W. Add a requirement that all downspouts be piped to the area drains or the street. See PUD comments. Offsite easements may be needed where the detention ponds drain to facilitate outlet pipes.
6. **Utilities: Cox:** Additional easements are needed.
7. **Other: Fire:** Show area per lot. Confirm street names with Development Services, especially the first cul-de-sac which is the same as the other streets. North should be top of sheet.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

property line and/or lot lines.

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

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

TMAPC COMMENTS:

Mr. Westervelt reported that there is a letter from Mr. Sands stating his concerns, which are stormwater issues (Exhibit D-2).

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that the elevations are due to sanitary sewer and it is not a floodplain. He further stated that the property is on top of a hill and the elevations requested by Public Works are for the sanitary sewer service and not floodplain.

INTERESTED PARTIES:

Kirk Davis, 11732 South Sheridan, Bixby, Oklahoma 74008, stated that he has the same concerns as Mr. Sands, which is stormwater. He thought there may be

a tree buffer on both east and west sides. Mr. Davis submitted photographs of the existing trees (Exhibit D-1 and D-3). It would be best to have a buffer and a uniform fencing around the subject plat. The trees in the pictures are in the 17.5-foot easement and they are 80- to 100-year-old oak trees and are not replaced easily. Mr. Davis read the TAC comments regarding the landscape easement around the perimeter of the subject property and maintaining the existing trees. He commented that one of the reasons he thought a uniform fence should be required is because he would be looking out his front door and seeing his new neighbors. He further commented that another reason for the uniform fencing is that his acreage is very attractive and people/children could wander over to it and there are stormwater and drainage problems. A gated community is exactly what it is: a gated community with some type of surrounding that contains the PUD. Mr. Davis requested that this application be continued until these issues can be worked out.

Mr. Westervelt: INAUDIBLE.

Laurie Krimbill, 6246 East 116th Street, Tulsa, Oklahoma 74137, expressed concerns regarding the stormwater drainage. Ms. Krimbill submitted photographs of stormwater issues (Exhibit D-1 and D-3).

Mr. Westervelt stressed to the interested parties that the Planning Commission doesn't deal with stormwater issues and that it will be handled through Public Works. The applicant will have to satisfy Public Works with regard to stormwater discharge.

Ms. Krimbill stated that there are four other developments going into the subject area and there will be 600 to 800 homes going into the south Tulsa area. She isn't sure how that is going to affect the downtown area, but she does know that when one lives out south, going to downtown is a big trip and she doesn't make it that often. How many people will these developments will be drawing people out of the downtown area? These developments are not helpful to the revitalization of downtown.

Ms. Krimbill stated that what she is hearing today is that the homeowners will have to deal with some hardships and the developer is claiming that he will experience profit loss if he has to meet all of the demands of the homeowners. However, the homeowners are being impacted at their daily quality of living level. She further stated that the developers have the edge because they see the Planning Commissioners all the time and they have resources and money to support their arguments, but the residents are on their own to explain how their lives are impacted by the developments.

Ms. Krimbill stated that the existing homeowners will experience the loss of views and there is a potential for property damage, erosion and dealing with the construction as it is going on. She stated that she has five kids and expressed

concerns with there being no fencing for the subject development on the east, west or south sides. This would mean that several of the lots will open to her property, which has gullies, trees and branches in it and kids will be flocking to it or people will drive their vehicles onto her property. She stated that she doesn't think it is fair that she could be held liable for a child being on her property and possibly being injured. She further stated that she doesn't think it is right that she should have to pay thousands of dollars for a fence to protect her from that liability when she is not the one profiting.

TMAPC COMMENTS:

Ms. Bayles thanked the interested parties for coming in today to express their interest and allowing the Planning Commission to understand and appreciate their concerns. She assured them that they will be back and learn more. It will not always be pleasant, but it will be something that will help them and their community.

Ms. Krimbill thanked the Planning Commission and expressed her concerns that the Planning Commissioners have to sit through such a long meeting and make hard decisions.

Applicant's Rebuttal:

Mr. Sack stated that he has met with Mr. Davies at his home and very familiar with the issues that he has brought up and the sensitivity. He indicated that he has met with Public Works and he is aware of the conditions. There will be onsite detention and there will be storm sewer on the east side of the property to pipe the water over into the detention ponds. The drains off the roof will be piped into the storm sewer system to help cut down the amount of runoff. The site is heavily wooded and that is the beauty of the subject site. The developer intends to have large lots and he plans to preserve as many trees as possible. He understands the concerns of the neighborhood and he plans to be a good neighbor. One of the partners of the subject property is Mr. Hollinger, who will be building the homes. The other partners are Mr. and Mrs. Bullock and they are planning to build their personal home on the subject property. They will have a personal interest in developing the property and staying with the property forever.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Sack about the trees and the buffer issues that came up in the TAC meeting.

Mr. Sack stated that the buffer came up as a condition on the PUD and he doesn't think it is appropriate for a landscape buffer when there is RS-1 adjacent to RS-1 or AG. His client plans to preserve as many trees as possible. The road is located on top of the hill and where he can minimize the cut on the road. If there was a set screening fence all around the subject property it would destroy more trees. The Planning Commission has recommended approval of the PUD with conditions and this preliminary plat is the next step of the process. All of the

requirements and conditions of Stormwater Management will have to be met before the final plat can be processed.

TMAPC COMMENTS:

Ms. Hill stated that she is sure that Mr. Sack will continue to meet with the interested parties and maintain a dialogue, which will make it easier for both parties. Mr. Sack agreed with Ms. Hill's statement.

Mr. Ard asked Mr. Sack if he would consider a screening fence if the neighbors were adamant about it. In response, Mr. Sack stated that he doesn't feel that there is a need for a screening fence because it is a residential area adjacent to a residential area. A solid masonry fence or wooden screening fence would take away from the subject area. There is no real need to put a screening fence up between two similar uses.

Mr. Westervelt explained to Mr. Ard that the Planning Commission saw the PUD earlier and waived the screening fence versus saving of the trees and looking at the topography of the subject property. Now the Planning Commission is looking at the plat and the fencing issues have already been addressed. He further explained that Mr. Ard is a new member and wasn't on the board when the PUD came through, so he wouldn't have known that the fencing issues were already settled. He encouraged Mr. Ard to continue to ask questions but he wanted to let him know that this issue had already been addressed.

TMAPC Action; 8 members present:

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

* * * * *

MINOR SUBDIVISION PLAT:

New Haven Place – (9321)

(PD-6) (CD-7)

Southeast corner of East 36th Place South and
New Haven Avenue

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on .029 acres.

The following issues were discussed February 17, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RS-3.
2. **Streets:** No comments.
3. **Sewer:** No comments.
4. **Water:** No comments.
5. **Storm Drainage:** No comments.
6. **Utilities:** No comments.
7. **Other: Fire:** Need scale and north arrow with location map.

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

Waivers of Subdivision Regulations:

1. A waiver to the requirement for sidewalks is 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.

Mrs. Fernandez stated that there is a request for a waiver to the requirement for sidewalks and staff has discussed this both Planning and Development Services staff. The site has been visited and there are no other sidewalks nearby for several blocks. There is a bike route in front of the subject property, which is part of the street. She indicated that there is a partial sidewalk a few blocks away and staff typically recommends that there should be new sidewalks for new development. If there is one required for the subject site, however, there will not be any connections to anything for a very long distance since the housing in the subject area exists and is stable.

TMAPC COMMENTS:

Mr. Westervelt asked Mrs. Fernandez if staff is in favor of waiving the sidewalk requirement. In response, Mrs. Fernandez stated that at this time she would agree to the waiver.

Mr. Alberty stated that staff is in somewhat of a position because Public Works requires a sidewalk and staff is stating that sidewalks are required in new developments; however, in this instance the surrounding development should be looked at as it is not in a redevelopment area. There are no existing sidewalks. It is reasonable to waive the sidewalk requirement.

Applicant's Comments:

John Moody, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that he did examine from Riverside to Yale and there is only one stretch between Peoria and Utica where there are sidewalks on 36th Street and then about 130 feet of sidewalk a few blocks away. This is an area where there wouldn't be any other opportunities for redevelopment and infill or there would be an opportunity to perhaps start building a sidewalk system. He indicated that he tried to find out

if there would be any Capital Improvement Plans funded or in any project planned to put sidewalks on 36th Street and there are none. He commented that he is in favor of sidewalks and so is his client, but in this instance it would serve no one and do nothing. The bicycle trails throughout the City are marked in the streets everywhere.

Mr. Moody stated that there is a drainage berm that he is required to install along the eastern boundary of the subject subdivision to handle drainage. If the sidewalk is installed, then the sheet flow would wash under the sidewalk if it were required.

TMAPC COMMENTS:

Ms. Bayles stated that she is in support of this request today, but asked what additional expense his client would be looking at for the sidewalk. In response, Mr. Moody stated he isn't sure of the dollar amount.

TMAPC Action; 8 members present:

On **MOTION** of **BAYLES**, TMAPC voted 8-0-0 (Ard, Bayles, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Ledford "absent") to **APPROVE** the minor subdivision plat for New Haven Place and waiver of the requirement for sidewalks, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Comprehensive Plan

FY 06-10 CIP Submissions for compliance with the Comprehensive plan of the Tulsa Metropolitan Area.

STAFF RECOMMENDATION:

Ms. Matthews stated that these have been reviewed during a worksession and staff finds them in accordance with the Comprehensive Plan. Staff recommends that the TMAPC find them in **ACCORD** with the Comprehensive Plan.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted **7-0-1** (Bayles, Harmon, Hill, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; Ard "abstaining"; Carnes, Dick, Ledford "absent") to recommend **APPROVAL** of the FY-06-10 Capital Improvement Project Submissions and find them in compliance with the Comprehensive Plan of the Tulsa Metropolitan Area.

* * * * *

ZONING PUBLIC HEARING

Application No.: Z-6981

CG to IL

Applicant: Jon E. Brightmire

(PD-5) (CD-6)

Location: Northwest corner of East Admiral Place and North 129th East Avenue

STAFF RECOMMENDATION:

PUD-647 May 2001: A Planned Unit Development was filed on a 43 acre tract located on the south side of I-244 and abutting the subject tract on the northwest corner. The proposal was to allow the continued use of the property for manufactured home sales and storage as well as allow a manufactured home park development. Approval was granted subject to modification of the PUD standards.

Z-6720/PUD-618 November 1999: A request to rezone a two-acre tract located south of the southwest corner of East Skelly Drive and South 129th East Avenue from CO to IL with a PUD that would allow warehousing, wholesaling and construction service and storage was approved.

Z-6636 June 1998: Approval was granted on a request to rezone a 3.3-acre tract located east of the northeast corner of East Admiral Place and 121st East Avenue from RS-3 to IL to allow for mobile home sales.

Z-6211 November 1988: A request to rezone the subject tract from RS-3 to CO, IL or CG was filed to allow commercial uses. All concurred in denial of CO and IL and approval of CG zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 19.8 acres in size; it is located north and west of the northwest corner of East Admiral Place and 129th East Avenue. The property is gently sloping, partially-wooded, vacant and zoned CG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Admiral Place	Secondary arterial	100'	4 lanes
North 129 th East Avenue	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The subject property is abutted on the north by a mobile home development, zoned RMH; on the east by a large truck-stop/commercial use, zoned CG; on the south by an outdoor storage/industrial use, zoned IL; on the west by open land and a creek, zoned RS-3; and on the southeast by a truck air-conditioning business, zoned CG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity – No Specific land use/Corridor and Development Sensitive in conjunction with a floodplain. According to the Zoning Matrix, the requested IL zoning **may be found** in accordance with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing uses and trends in the area, staff can support the requested IL zoning and recommends **APPROVAL** of IL zoning for Z-6981.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, submitted packet of exhibits (Exhibit F-2), stated that the subject application is in the crook of the convergence of I-244 and the Crosstown Expressway. The only improvement on the subject property, at this time, is an old rock home.

Mr. Coutant clarified that the original application requested the IL zoning to the entire 20 acres, but he submitted a letter to INCOG a few days ago to clarify that he is only asking for the IL zoning on the hard corner (pg. 9 of Exhibit F-2). The hard corner has 5.538 acres and he would like to amend his application to only cover the 5.538 acres.

Mr. Coutant stated that to the north of the revised parcel (5.538 acres) is the balance of the 20 acres, which is zoned CG. Farther north is a mobile home park, and there is a letter from the owner of the mobile home park supporting the subject application (Exhibit F-1). To the east there is more CG property with the Flying J Travel Plaza located there, which is a large facility that receives a lot of traffic due to the unique location. There are various CS uses to the south and east, and to the south it is zoned IL and is currently being used for outdoor equipment storage and industrial uses.

Mr. Coutant read the Zoning Code and the Comprehensive Plan for the subject property and subject area. He explained that his applicant is Mileage Master, which is a retail operation for the sale of truck tires and the service part of that

business. They have contracted to purchase this property for a major facility, which is a retail operation with an accessory part of the business that includes some tire recapping. Under the Zoning Code, this can't be done with a special exception under CG and it requires the IL zoning. The IL zoning requires a special exception and the special exception has been applied for. CG does allow the intense sort of use that is consistent with what is requested in this application, in which the uses are as listed on page 14 of Exhibit F-2. Mr. Coutant read the list of uses that are allowed in CG zoning. He indicated that in 1970 when the Zoning Code was written, tire recapping was an industrial type of operation and appropriately classified as a Use Unit 26 where it is currently listed today. This has changed due to the change in technology and the reality of the recapping business. In the '70's it was a very heavily chemical-use operation with dust and a heat-related process. Today's technology is an assembly process, but the actual removal of the rubber from the existing tires is a technologically controlled process.

TMAPC COMMENTS:

Mr. Harmon stated that staff has recommended approval of the IL zoning on all of the acreage and Mr. Coutant has reduced it to 5.538 acres. The Planning Commission is only looking at rezoning today and the uses that are allowed and there is no need to look at recapping shops. In response, Mr. Coutant thanked Mr. Harmon.

Mr. Coutant stated that he wanted to lay some framework for why he is requesting IL zoning, because there are interested parties, he believes, who will be opposed to this application.

Mr. Coutant concluded his presentation by stating that the new technology of recapping tires should probably be included in the CG uses. The requested IL zoning is permitted under the Comprehensive Plan and IL is already across the street. The type of facility that is proposed is on page 15 of the Exhibit F-2.

Mr. Westervelt asked Mr. Boulden how Legal would like the Planning Commission to treat these applications where there is a request for zoning and it will still require Board of Adjustment action. In response, Mr. Boulden stated that there is no problem with taking action on today's application.

Mr. Alberty announced that it is after 6:00 p.m. and the doors automatically lock. If one leaves the building they will not be able to get back in.

INTERESTED PARTIES:

Cindy Robson, P.O. Box 14332, Tulsa, Oklahoma 74149, stated that her family owns 80 percent of the property in the subject area. Ms. Robson cited the various states and counties that the traffic in the subject area comes from. She indicated that the State of Oklahoma has funded and is in the process of turning the subject highway into five lanes on both sides. She stated that she doesn't

have a problem with the use, but she does have a problem with the down-zoning. She explained that she has a comprehensive plan to develop 192 acres into retail and she also has users for this project. It has taken seven years to get this project underway due to the junkie land in the subject area.

Mr. Westervelt asked Ms. Robson to tell the Planning Commission what it is that she doesn't like about the subject application.

Ms. Robson stated that the one thing she doesn't want in the area is to have another piece of property rezoned from CG to IL. If it is a commercial use to sell tires, then they shouldn't need IL zoning. She is opposed to this application because she doesn't want to see down-zoning. If the subject property is down-zoned it will devalue the 132 acres she owns in the subject area. She concluded that the retailers that she has talked to do not want anything else that would perpetuate truck-traffic in the subject area because of the crime.

Ms. Robson stated that she attempted to buy the 22 acres from the subject owner in order to have fast-food restaurants in the area. She indicated that she is trying purchase property in the subject area and clean it up. Ms. Robson indicated that she obtained her information about the on- and off-ramps and the five-lane proposal from Rogers County. She further indicated that \$165,000,000.00 has been appropriated and funded to expand the road to Claremore and Bentonville. This expansion will include all the area between and in front of the Albertson's Warehouse.

INTERESTED PARTIES:

Nancy Crayton, 245 South 120th East Avenue, Tulsa, Oklahoma 74108, submitted packets (Exhibit F-2), stated that she is representing the Western Village Neighborhood Association, 565 homes, which is west of the subject property. She indicated that her association is in the midst of the existing IL zoning. She commented that the IL zoning has been spot-zoning and exception zoning. This has been a challenge that she wanted to present today. She knows what it is like to have residential use next to light industry. There used to be a tire facility in her area and she would be within ½ mile of the subject area. Tire facilities cause problems in neighborhoods.

Ms. Crayton stated that East Tulsa has a vision and is currently working with Urban Development to get good retail in the subject area. She commented that she would like to restore her area to its vitality of the 1950's, '60's and '70's. She indicated that she has been working tirelessly for many years to clean the subject area. She explained that the subject area now has Route 66 and all of the improvements that will be coming along with that. She would like to pull the traffic from the two highways with some high visibility use. If the subject area could pull the traffic from the highways and onto the East Tulsa streets for restaurants, shopping, etc, then it would help with the sales tax revenues and

livability of residential areas. If IL is continued to be allowed, rather than commercial, then East Tulsa will be the losers and so will the City of Tulsa.

Ms. Crayton stated that her goal is that people will want to live, work, shop and worship in the same area, much like the small-town atmosphere that seems to be drawing people away from Tulsa. There is undeveloped property in the subject area and there is a group of people who have wanted to build the subject area. There are rooftops existing for retail and there is interested parties that area working to get more rooftops. If there were restaurants and movie theaters this could be a thriving area. Cherokee Casino has brought a lot of improvements out farther and she would like to pull those improvements down into her part of the area.

Ms. Crayton stated that the subject area is not anti-business and she has come down to Planning Commission meetings supportive of businesses. Districts 5 and 6 will definitely support retail in her area. Ms. Crayton requested that the Planning Commission deny this application based on the recommendations from these other people or at least input from other people in the neighborhoods and around them. There are more than eight neighborhood associations working closely together with businesses.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Crayton if she is totally opposed to the tire store or only opposed to the tire recapping. In response, Ms. Crayton stated that she is opposed to the tire store and tire recapping because they are one and the same. When the tires are recapped and stored outside, they accumulate water and mosquitoes. The fumes that are emitted, or were from the old tire recapping company, caused a lot of allergies and soot, which is not a neighborhood-friendly thing.

Mr. Jackson asked Ms. Crayton if this application was presented in a PUD where there would be some reassurances for screening, landscaping and limited to outside storage she would be more accepting. Ms. Crayton stated that it would be more palatable, but she would much prefer some local stores where she can shop, restaurants where they could play up the international flair.

Ms. Bayles asked Ms. Crayton how far the process is that is being conducted by Stephen Carr and Urban Development. Ms. Bayles asked Ms. Crayton if the areas are being identified where CG redevelopment should occur. In response, Ms. Crayton stated that Theresa Buchert could answer these questions.

Mr. Harmon stated that Ms. Crayton mentioned that she would like to live in an area where people could live, work, and worship in the same area; however, people can't work unless there are plants to work at, so it would appear that this would be a good addition. In response, Ms. Crayton stated that there are many in her area.

Mr. Harmon asked Ms. Crayton if the area needs any additional job production. In response, Ms. Crayton stated that retail brings job production. She explained that she is not opposed to retail and welcomes it, which will bring jobs to the area.

Mr. Harmon stated that a tire store is retail in his opinion.

Mr. Horner asked where the Western Village golf course used to be located. In response, Ms. Crayton stated that this is the type of use the neighborhoods want to restore.

INTERESTED PARTIES:

Theresa Buchert, 542 South 127th East Avenue, Tulsa, Oklahoma 74128, stated that she is not opposed to retail but she is opposed to the down-zoning. There are hundreds of acres of IL zoning in the subject area. She mentioned that one of the IL-zoned properties is Peevy Construction Company, which she has been fighting to clean up their corner.

Ms. Buchert stated that South and East Alliance of Tulsa (SEAT) is working with Urban Development. She explained that this represents Council District 5 and 6. She cited the numerous people involved in the revitalization action through Urban Development. Two of the corridor entries that the group has designated in this process are 129th East Avenue and Garnett Road. Both of these are the first entryways into the City of Tulsa after crossing the county line at 193rd East Avenue.

Ms. Buchert stated that the residents are not opposed to the tire store as a retail development. The subject property is on top of a hill and she would like to see retail on the subject property if it could be totally enclosed and there would be no outside storage. She would not like to see anything in the subject area that would be a detriment to the area.

Ms. Buchert stated that the trailer park that was mentioned earlier can't be seen from 244, but you can see the debris because of the IL zoning. She admits that in the past, the residents haven't attempted to stop the IL zoning in the subject area. She requested time to allow Urban Development to complete their planning process and to have City Council adopt their plan as part of the Comprehensive Plan.

TMAPC COMMENTS:

Mr. Westervelt asked Ms. Buchert if she is suggesting that the Planning Commission defer zoning in the subject area until Urban Development has a plan. In response, Ms. Buchert stated that she believes that would be a physical impossibility and would be asking way too much. What she would like to see is

the applicant look for a more appropriate property and not degrade the CG property to IL zoning.

Mr. Midget out at 6:40 p.m.

Mr. Westervelt called for a recess at 6:44 p.m. for TGOV (media timeout).

Mr. Westervelt called the meeting back into session at 6:45 p.m.

INTERESTED PARTIES:

Jim Mautino, 14628 East 12th Street, Tulsa, Oklahoma 74128, submitted letters opposing the IL zoning (Exhibit F-1), and stated that he is standing before the Planning Commission as a City Councilor for District 6. He explained that the reason for his attendance was to see something change in District 6. One of the things that the City Council did was to choose five sites in the City of Tulsa and allocate some resources to a company called Buxton, which is a research company, to tell what would best suit the subject area and which sites should be chosen to develop. He explained that then he went to Urban Development and requested their help with these issues. This has been an eight-month project. Urban Development helped him look at the areas and chose two areas. The first area was the subject area, which has the highest traffic count in the state and the most potential for development. The second area was the 71st and Highway 75 areas. Buxton did the surveys and number one was 71st and Highway 75 and number two was the subject area. The reason Buxton chose the subject area as number two is because there was a higher concentration of rooftops at 71st and Highway 75 and the income was higher, but the traffic count was lower.

Councilor Mautino stated that the Buxton research showed the same thing that the research showed the Indians when they put their casino at 193rd East Avenue. He commented that he listened to the discussion regarding Arvest Bank and 15th and Utica and he would love to have Arvest Bank in the subject area. The big winners at the Casino could come up and put their money in their bank and the losers could borrow it. The Buxton survey came back and told him that retail is needed in the subject area. This area is crying for a restaurant, because when the church lets out on Sunday there are no restaurants to go to. These are the types of things that Buxton looked at. This is the type of things that he has had developers and investors look at. On the day it snowed, there were two people who flew in from North Carolina looking at the subject area to develop at 71st and Highway 75. This development firm is out of Oklahoma City and there have been several meetings with them and Cindy Robson. They are proposing restaurants, hotels and a bank in the subject area. They do not look forward to having the subject property developed IL. He indicated that he has taken several people on tours of his area and it is obvious what IL zoning has done to Admiral Place. He commented that it can't be blamed on IL zoning, but the blame could be placed on the tenants who have put their IL zoning along Admiral. Their mentality is not good for Tulsa and he would like to see this changed. Now there is an opportunity to do so. Just recently a five-acre tract of land by Rolling Hills, ¼ mile from 193rd East Avenue, that had trash-trucks parked on it and a for-sale

sign never sold. After the casino was built, the five acres has sold for \$66,000.00 an acre. There is a change happening in the subject area and IL zoning here is not wanted. One mile north to Pine Street, there are hundreds of acres that are ready to be developed as IL. He indicated that he has sewer going in on both sides of Pine Street and it is not dependent on the bond issue. The work is starting now. The north end from Garnett to 129th East Avenue is ready for the proposed business, not in the subject area where there is retail needed. He commented that he is not stating that retail is needed, but from Buxton, which is a nationally-known survey firm that the administration hired. Broken Arrow hired this same company and now they have Bass Pro. These are the things he is trying to develop in his area and it is not just him, but the City Council and Urban Development and the people in the subject area.

Mr. Midget recognized Ms. Robson.

Ms. Robson stated that tire stores usually are on a one-acre lot and the proposal is for five acres. The only other five-acre retread tire facility in Oklahoma is in Oklahoma City. If it is a retail business, why would the use have to be changed to IL?

TMAPC COMMENTS:

Ms. Bayles asked staff what type of development is in PUD-674, which is in an IL zoned property listed on the case map. In response, Ms. Matthews stated that she doesn't have the information for that PUD with her; evidently staff failed to include this information on the relevant history.

Applicant's Rebuttal:

Kevin Coutant, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, stated that the straight zoning question is straightforward and there is a favorable recommendation from staff, which is based upon the Comprehensive Plan, surrounding uses and surrounding zoning. He agrees with almost everything stated about the ambitions for the subject area and the Buxton Report, which all make sense. He believes that the application, the purpose for which this application is brought to the Planning Commission, is consistent with those ambitions. It is a retail-type use and it is an appealing use that will take advantage of property that hasn't been developed. The proposal will be a sales tax generator and it is an attractive retail business. It will do everything that he has heard today regarding the ambitions for the district and this part of the community.

TMAPC COMMENTS:

Mr. Westervelt asked Mr. Coutant if his client has a problem with applying for a PUD in order to apply some conditions. In response, Mr. Coutant stated that he is aware that when he goes to the BOA to ask for the special exception that they will have conditions with regard to outside storage issues, etc. He believes that

the straight zoning and special exception process will give the protections that the residents want.

Mr. Jackson asked staff if CG is an intense use and the IL is the less intensity of the industrial uses, besides the automotive and allied activities, what other things could be done in the IL district that cannot be done in CG. Mr. Alberty stated that it is a light manufacturing use; there are certain compatible uses in CG and IL, such as contractor service. The CG is really a general commercial and it allows a lot of industrial and similar type uses.

Mr. Jackson asked staff if it would be a true detriment to have CG versus IL. He commented that when he sees CG zoning he thinks of the same uses that are in IL that could be there by right. In response, Mr. Alberty stated that the dilemma that staff found itself in is that over three-fourths of the subject area is zoned IL. For staff to recommend that the requested IL zoning is inconsistent is a matter of equity.

Ms. Hill stated that she has respect for staff and the work they do on the recommendations and the Comprehensive Plan. She further stated that she is glad to see new businesses come to Tulsa. However, there are rooftops adjacent to the subject property, which are rooftops for mobile homes, but it really doesn't make any difference modest housing, federally funded housing or \$500,000.00 rooftops. These are rooftops and they are someone's homes with families living there. She recognized that there is a lot of IL zoning in the subject area and she believes that this particular use for the subject property is not appropriate and she can't support it. She would much rather see a retail center with goods and services compatible with possibly the mobile home park or to the other surrounding residences. Services such as a cleaners, donut shop, or restaurants would be a good neighbor to the mobile home park and the other surrounding area. She explained that she understands the existing zoning and Comprehensive Plan, but she can't support this application today. There are code enforcement problems in the subject area and Neighborhood Inspections is like any other department; they are overwhelmed and working on a tight budget. There is one truck retail place in the subject area that basically has a nice building, but they are now having big trucks parked overnight for repairs.

Mr. Midget stated that he would have a problem supporting this application. He commented that he is leery of automotive and allied activities, particularly because he lives in area where there are a lot of those and they do not do the area well at all, even with the best of intentions. Another point is that recently a lot of money and staff time has been invested in the subject area to redevelop. The most recent report that was done is the Buxton Report. He would be remiss to support this application in light of what that study has said.

Mr. Harmon stated that to him a tire retread shop is nothing he has a fear of. He explained that recently he was in a retread shop and with the new materials they

use and the PVC adhesive they use, it did not put off any odor and there is no soot outside of the building. It is not a dirty business like it used to be and occasionally there is a smell, but nothing terribly intrusive. The fact that it is a tire retread store doesn't bother him. To have tires stored outside does bother him and he could go along with not approving this because there are other learned people who think it is not appropriate.

Ms. Hill stated that Mr. Coder was able to develop his mobile home park and she cringes each time she drives by it. She commented that she is still mindful that no matter how modest these homes are, these are their homes. She stated that she would welcome this business, but not next to residential uses.

Ms. Bayles stated that she would have difficulty supporting this outside of a PUD. She explained that there are so few areas of density in this neighborhood and in that district, that she would be cautious in putting such a facility so near the density that is associated with the mobile home park, as well as the residential area to the west. She commented that she would feel more comfortable seeing this as a PUD.

Mr. Jackson stated that he doesn't have any problem with the automotive and allied activities, but with straight zoning, he can't support the proposal without a PUD. Mr. Jackson further stated that he would make a motion to deny this application.

Mr. Westervelt stated that he would be voting contrary to the balance of the Planning Commission. He commented that he is not looking at the store because that would be the Board of Adjustment's opportunity to look at it. He further commented that he believes it is unfortunate that people are uncomfortable bringing applications before the Planning Commission and having to go to the Board of Adjustment from occasion to occasion because they feel that they are better off doing so. He indicated that if he lived in the RMH area, he would prefer to see the IL use in place because of the buffer that is required and the uses that are allowed there, versus the ones that are allowed in both the CH to the west and CG that is in place there now. He commented that he is confident that the Planning Commission is only making a recommendation and that the City Council can do whatever they choose to do with the application. He further commented that he is not uncomfortable with sticking with the staff recommendation because he believes that it is technically correct and the balance of IL is present. He stated that he would be supporting the IL zoning on this particular tract, in this diminished way, because of the large amount of IL that is surrounding it. He concluded that anything other than IL would be contrary to the policies and procedures, the staff recommendation and the existing conditions.

TMAPC Action; 8 members present:

On **MOTION** of **JACKSON**, TMAPC voted **5-2-0** (Bayles, Harmon, Hill, Horner, Jackson, Midget, "aye"; Ard, Westervelt "nays"; none "abstaining"; Carnes, Dick, Ledford "absent") to recommend **DENIAL** of the IL zoning for Z-6981.

* * * * *

Mr. Horner out at 7:09 p.m.

Application No.: Z-6980/PUD-128-G **RS-3 to OM or OM/RM-1/PUD**

Applicant: Charles Norman (PD-18) (CD-2)

Location: Southeast corner of East 73rd Street South and South Wheeling Avenue

STAFF RECOMMENDATION:

BOA-19563 April 2003: The Board of Adjustment approved a special exception to allow a Congregate Care Retirement facility on property located south of East 71st Street South and on the east side of Riverside Parkway.

BOA-18484 and PUD-237-1 August 1999: A variance was granted by the Board of Adjustment and a minor amendment was approved for the reduction of the number of parking spaces required for the bank and offices located on the lot west of the southwest corner of East 73rd Street South and South Lewis Avenue and abutting the subject property on the north.

PUD-128-F August 1995: A request for a major amendment to PUD-128 to allow a children's day care facility on a portion of the PUD lying south of East 73rd Street South and on the west side of South Wheeling was withdrawn by the applicant.

PUD-128-E September 1987: Approval was granted for a major amendment to PUD-128 to reallocate floor area, revise development areas and redistribute uses on that portion of the PUD located at the southwest corner of Riverside Parkway and East 71st Street.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 23.8 acres in size, is gently sloping, non-wooded, contains apartments, and is zoned RS-3/PUD-128.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 73 rd Street South	N/A	80'	2 lanes
South Wheeling Avenue	N/A	80'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the south by the Avignon townhouses, zoned RM-1; on the north and east by an office/commercial center, zoned PUD-282; and on the west by residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Detail Plan designates this area as Low Intensity – No Specific land use and Special District 6-Office and Commercial Uses. According to the Zoning Matrix, the requested OM/PUD **is not** in accord with the Low Intensity – No Specific land use and **may be found** in accord with the Special District 6 designation. The OM/RM-1/PUD **may be found** in accord with both the Low Intensity – No Specific land use and the Special District 6 designation.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding land uses and zoning patterns, staff can support the requested OM/RM-1/PUD designation and recommends **APPROVAL** of OM/RM-1/PUD for Z-6980, providing that the TMAPC deems it appropriate to recommend approval for PUD-128-G or some variant thereof.

PUD-128-G, STAFF RECOMMENDATION:

This application is to transfer available developable floor area from one portion of the PUD to another undeveloped area within the PUD for development of multifamily residential and office use. Staff can support this application and recommends **APPROVAL** of PUD-128-G for OM zoning 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 Concept

The Pheasant Run apartments were constructed in the mid-1970s on Blocks 10 and 12 of Kensington Addition, pursuant to the provisions of Planned Unit Development No. 128. There are located on Block 10 seventy-five multifamily

dwelling units and on Block 12 one hundred forty-five dwelling units. The 220 unit Pheasant Run apartments are under common ownership; however, Blocks 10 and 12 of Kensington Addition are separated by Block 11, Kensington Addition which was originally owned by the now defunct Kensington Owners Association. Block 11 is maintained as open space and a drainage area by the owners of the Pheasant Run apartments.

Because of the low density of the apartments, approximately 17 dwelling units per acre, the 145 dwelling units on Block 12 do not occupy the entire block. A 1.83 acre part of Block 12 at the intersection of East 73rd Street and South Wheeling Avenue, Tract A, as shown on Exhibit E, remains vacant and undeveloped.

The development proposal contemplates as the primary use of Tract "A" a two-story office building with access from East 73rd Street and South Wheeling Avenue.

Blocks 10 and 12 of Kensington Addition are presently in the RS-3 zoning district. The number of dwelling units in PUD-128 in excess of the number of dwelling units permitted by the underlying RS-3 district were transferred from other property within Planned Unit Development No. 128.

The applicant has filed a rezoning application requesting the rezoning of Blocks 10 and 12 to the OM-Office Medium Zoning District or, with respect to Block 12, to the RM-1 zoning district in order to permit under this major amendment to Planned Unit Development No. 128, the development of Tract A for office uses or additional multifamily dwelling units under the development standards of this planned unit development. The properties to the north and south of Blocks 10 and 12 are zoned in the CS, OM and RM-1 districts, the property on the west side of South Wheeling Avenue across from Block 12 is a part of Planned Unit Development No. 128 and has been developed for multifamily use.

The requested rezoning will support the number of existing multifamily dwelling units and the proposed office and multifamily density.

The Avignon townhouses are located immediately south of Tract A and have been constructed with an access alley on the north side of the parcel providing access to enclosed garages. The Avignon property is screened from Tract A and the remainder of Block 12 by a double-sided screening fence with stone columns along the entire south boundary of Tract A and the remainder of Block 12.

The adjacent commercial and residential collector streets are shown on Exhibit A, Concept Illustration, and Exhibit B, Access and Circulation.

The use of Tract A for either office or multifamily use under the proposed development standards will be compatible with and complement the existing and neighboring land uses.

**Pheasant Run
Planned Unit Development No. 128-G**

Development Standards

Net Land Area:

Block 10	4.878 Acres	212,516 SF
Block 12, less Tract A	6.290 Acres	273,984 SF
Tract A	1.829 Acres	79,700 SF

Permitted Uses:

Principal and accessory uses permitted as a matter of right in the RM-1 Residential Multifamily Zoning District and principal and accessory uses permitted as a matter of right in the OM-Office Medium Zoning District.

Maximum Number of Dwelling Units:

Block 10:	75 (existing)
Block 12, less Tract A:	145 (existing)
Tract A:	32

Maximum Floor Area:

Office Uses:

Block 10:	0
Block 12, less Tract A:	0
Tract A:	30,000 SF

Maximum Building Height:

Block 10:

As established by Planned Unit Development No. 128	Existing
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Block 12, Less Tract A:

As established by Planned Unit Development No. 128	Existing
--	----------

Tract A:

2 stories, not exceeding 45 FT

Minimum Building Setbacks:

Block 10:

As established by Planned Unit Development No. 128	Existing
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Block 12, less Tract A:

As established by Planned Unit Development No. 128	Existing
--	----------

Tract A:

From the south property line	70 FT
From the east property line	20 FT
From the centerline of South Wheeling Avenue	65 FT

Off-Street Parking:

As required by the applicable use units.

Livability Space:

Block 10:

As established in Planned Unit Development No. 128	Existing
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Block 12, Less Tract A:

As established in Planned Unit Development No. 128	Existing
--	----------

Tract A:

As required in the RM-1 District.

Minimum Internal Landscaped Open Space:

Tract A - Office Use:

A minimum of 15% 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.

Signs:

Block 10:

As established in Planned Unit Development No. 128 Existing

Block 12, Less Tract A:

As established in Planned Unit Development No. 128 Existing

Tract A:

Multifamily Use:

As established in Planned Unit Development No. 128

Office Use:

One ground sign not exceeding 12 feet in height and 64 square feet in display surface area may be erected on the South Wheeling Avenue frontage. Building directories and tenant identification signs may be attached to building walls as permitted in the OM district.

Lighting:

Tract A:

Exterior lighting standards and building mounted lights shall be hooded and the light directed downward and away from the southerly boundaries of the property. Light standards shall not exceed 12 feet in height within the south 75 feet of the property. Lighting within Tract A 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.

Environmental Analysis

Pheasant Run Office is located south and east of the intersection of East Wheeling Avenue and South 73rd East Street. The site is abutted by the Pheasant Run apartments on the east and the Avignon townhouses to the south. The site boundaries, topography, existing and proposed utilities, and storm drainage are shown on Exhibit C.

TOPOGRAPHY:

The site topography varies from a high elevation of 629 feet above mean sea level (MSL) near the center of the site to a low of 626 feet above MSL along the southwest corner of the site. The site consists of gentle slope with a small rise near the center of the site.

DRAINAGE:

Stormwater from the Pheasant Run offices will be directed through a series of inlets to the public storm sewer located near the southwest corner of the site. Currently storm water from the site sheet flows to the north and west to South Wheeling Avenue and east to a private storm drainage system. A berm along the south side of the site directs stormwater west to South Wheeling. The area surrounding the site is generally at a lower elevation and is not expected to produce any offsite storm water flows. The site is located near the Joe Creek Channel and the Arkansas River and will therefore be allowed to pay a fee-in-lieu of constructing on-site storm water detention facilities.

UTILITIES:

A 12-inch water line is located along the north and west boundaries of the site and will provide fire, domestic and irrigation service.

Sanitary sewer service is not currently available to the site and will require the construction of a new sanitary sewer line extending from a manhole located along the south side of East 73rd Street South just west of the apartment complex to a point approximately 15 feet into the site as shown on Exhibit C.

Natural gas, single phase electric, telephone, and cable television are available in the area and will be extended to serve the property. A new electrical distribution line will need to be constructed from near either South Lewis or East 71st Street South to the site if three phase electrical service is required.

ZONING AND LAND USES:

Area zoning districts are shown on Exhibit D.

Neighborhood land uses are shown on Exhibit E – Aerial Photo- Area Land Uses

Site Plan Review

No building permit shall be issued for any building within Pheasant Run until a planned unit development detail site plan and detail landscape plan has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the Pheasant Run planned unit development standards.

No signage shall be constructed within Pheasant Run until a planned unit development detail sign plan has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the planned unit development sign standards.

Schedule of Development

Initial development within Pheasant Run will begin in mid-2005 after approval of the planned unit development detail site plan.

3. Landscaping and screening shall be in substantial compliance with the Concept Plan and PUD text. All landscaping shall meet or exceed the requirements of the PUD chapter and the Landscape Chapter of the 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 the 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. Lighting used to illuminate the subject tract 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 to the west and south. Lighting standards shall not exceed 30' in height.
10. 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 the lot.
11. Access and circulation shall be provided as delineated in the Concept Plan and PUD development standards. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meets the City of Tulsa standards.
12. 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.

13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by the TMAPC.
14. 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.
15. 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 within this PUD.

TAC Comments for March 2, 2005:

Water – A 12" existing water main is available for service taps.

Wastewater – A sanitary sewer mainline extension (SSID) will be required.

Transportation – Sidewalks required on collector street per Subdivision Regulations 4.3.

Traffic – PFPI required modifying the median for a left-turn bay at the north drive [or some other alternative, as discussed at TAC meeting of February 17].

ONG – Verify if gas service is in the area.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bayles, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to recommend **APPROVAL** of the OM/RM-1 zoning for Z-6980 and recommend **APPROVAL** of the major amendment for PUD-128-G per staff recommendation.

Legal Description for Z-6980/PUD-128-G:

Blocks 10 and 12, Kensington Addition, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and located on the southeast corner of South Wheeling Avenue and East 73rd Street South, Tulsa, Oklahoma, **From** RS-3/PUD (Residential Single-family High Density District/Planned Unit Development) **To** OM/PUD or OM & RM-1/PUD (Office

Medium Intensity District/Planned Unit Development or Office Medium Intensity/Residential Multifamily Low Density District/Planned Unit Development).

* * * * *

Application No.: CZ-353

AG to RE

Applicant: David Washington

(PD-20) (County)

Location: Southeast corner of East 191st Street South and South Harvard Avenue

STAFF RECOMMENDATION:

There has been no action in this area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately ten acres in size; it is located on the southeast corner of East 191st Street South and South Harvard Avenue. The property is gently sloping, non-wooded, vacant and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 191 st Street South	Secondary arterial	100'	2 lanes
South Harvard Avenue	Secondary arterial	100'	2 lanes

UTILITIES: Okmulgee Rural Water District 6 serves this area with water and sewer would be by septic or lagoons.

SURROUNDING AREA:

The subject property is surrounded by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment. Under terms of the Development Guidelines, property at the intersection of two secondary arterials would qualify as a Type I node (five acres of up to medium intensity zoning at a corner). The requested RE zoning is in accord with the Development Guidelines.

STAFF RECOMMENDATION:

Based on the Development Guidelines and existing land use intensities in the area, staff recommends **APPROVAL** of RE zoning for CZ-353.

INTERESTED PARTIES:

Barbara Lorenzen, 19430 South 43rd East Avenue, Bixby, Oklahoma 74008, stated that she lives in the middle of the mile section where this is going in. She explained that she moved in the subject area 28 years ago to be in an agricultural area because she wanted the peace and quiet of the country. It is building up so much that it is pathetic. She understands that this will be eight homes and she would like to know if they are going to be able to perc the land and if there will be septic tanks or lagoons. She expressed concerns about the lagoons not being kept neat and clear of weeds.

Ms. Lorenzen stated that she owns 15 acres and she was told that there could only be one residence for every 2 ½ acres. She explained that when she wanted to move several trailer homes onto her property for her children she was told that there could only be one residence per every 2 ½ acres. This proposal will be more concentrated than that and they probably will not have an acre of land per lot. She commented that she hopes the new residents do not forget that they are moving next to AG property and start complaining about the neighbors' horses, cows and the rooster crowing at 5:00 a.m.

Ms. Lorenzen stated that she believes that the Planning Commission should have moved Item 10 to the last of the agenda since they knew it would take so much time. She commented that she and her husband have been waiting since 1:00 p.m.

Mr. Westervelt stated that the Planning Commission understands her complaint and if she had anything more to speak about the subject item, please do so. In response, Ms. Lorenzen stated that she has made all of the points she wanted to on this application.

Mr. Westervelt stated that he will let the applicant come up and address these issues. Mr. Westervelt apologized for not having the applicant present his application prior to interested parties, which is the usual order of business.

Applicant's Comments:

Gail Good, 14322 South 50th East Avenue, Bixby, Oklahoma 74008, submitted a plat of survey and plot plan (Exhibit G-1) and stated that the reason she requested RE zoning was to respect the other owners in the subject area who would like to remain rural. With the Yale bridge going in, this area will be a popular area and there will be development going on in the next five years.

Ms. Good stated that the lots will be 1.07 acres and there will be restrictive covenants with regard to square footage. She explained that perc tests have not

been performed at this time, but she has done developments with septic systems before and she understand that the trend is toward aerobic septic systems whether it percs or not. She intends to aerobic septic systems. There will not be any lagoons.

TMAPC COMMENTS:

Mr. Harmon asked Ms. Good if she had considered the results of this type of development in a rural area. He commented that people move in loving it and then they hate the smell hogs next door. In response, Ms. Good stated that she had done developments like this before and she had the same concerns. She reiterated that the subject area will be one of the new hot spots and will be developing. She indicated that when people come out to purchase lots, she will address these issues with them and they will see the livestock in the subject area as they are driving out to the sites.

Ms. Good stated that she has been approved for rural water, which was a big hurdle for the subject area.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bayles, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to recommend **APPROVAL** of the RE zoning for CZ-353 per staff recommendation.

Legal Description for CZ-353:

The NW/4 of the NW/4 of the NW/4 of Section 9, T-16-N, R-13-E of the IBM, Tulsa County, State of Oklahoma according to the U. S. Government survey thereof, and located on the southeast corner of East 191st Street South and South Harvard Avenue, Bixby, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-family, Estate District).**

* * * * *

Application No.: Z-6982/PUD-714

AG TO RS-3/PUD

Applicant: Robert J. Nichols

(PD-26) (CD-2)

Location: South of the southwest corner of East 101st Street South and South Harvard Avenue

STAFF RECOMMENDATION:

Z-6867/PUD-667 October 2002: A zoning application and Planned Unit Development were approved subject to modifications recommended by staff for a 46 acre tract located south of the 11000 block of South Riverside Parkway on

both sides of Riverside Parkway from AG to RS-1/PUD for a single-family development.

Z-6829/PUD-655 September 2001: A request to rezone approximately 86.5 acres located on the east side of Delaware Avenue south of the subject property and south of East 111th Street, from AG to RS-1 and RS-3. Staff and TMAPC recommended approval of the proposed RS-1 zoning for a single-family development with gated, private streets and recommended approval of RS-3 zoning on the subject tract for single-family development subject to modifications reducing the number of dwelling units and requiring strict limitations of the grade on the private streets. City Council concurred in approval per TMAPC recommendation. An ordinance was never published.

Z-6390 March 1993: Approval was granted for a request to rezone an eleven acre tract that was a wrap-around the CS parcel located in the southeast corner of East 101st Street and South Delaware. The request was to rezone the parcel from RM-0 to RS-3.

Z-6352 March 1992: The request to rezone a six acre tract located on the east side of South Delaware at approximately East 109th Street South from AG to CG for a landscape business was denied.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 36.5 acres in size, sloping, partially-wooded, vacant, and zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP ROW	Exist. # Lanes
South Delaware Avenue	Parkway	150'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north and northwest by single-family residential development zoned RS-3; to the east by single-family development, zoned RS-1; to the south by public soccer fields and scattered single-family homes and agricultural uses, zoned AG; and to the west by the Arkansas River, 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 property as Low Intensity – Development Sensitive. According to the Zoning Matrix, the requested RS-3/PUD is in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, existing development and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of RS-3 for Z-6982, contingent on the TMAPC's recommendation for approval of PUD-714 or some variation thereof.

PUD-714 Riverwalk Estates

This proposal is for a single-family residential development of 160 lots at RS-3 development standards. The development is to be done in two phases, with Phase I having public streets and Phase II being a private, gated community. Primary access to Riverwalk Estates will be from South Delaware Avenue and 101st Street South, with connection to a stubbed collector street immediately to the west.

Staff recommends **APPROVAL** of PUD-714, finding that 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-714 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.

1. The applicant's outline development plan and text be made a condition of approval, unless modified herein.

2. Development Concept

Minimum Yards:

Front:

From public street right-of-way	25 FT
From private street right-of-way	25 FT

Side:

One side	5 FT
Other side	5 FT

Rear:

20 FT

Private Streets:

Minimum width:	26 FT
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All base and paving materials shall be of a quality and thickness that meet the City of Tulsa standards for minor residential public streets.

Entry Identification Signs:

South Delaware Avenue

Maximum display surface area: 48 SF

101st Street South

48 SF

Landscape and Screening Concept:

The northeastern part of the Riverwalk Estates site is wooded with a number of mature trees with diameters of more than 12 inches. The planning and landscaping objectives are to preserve as many trees as possible, recognizing the need for grading and partial clearing of the property for residential development.

The streets within Riverwalk Estates will be constructed according to City of Tulsa standards to provide an attractive access for residents, guests and services along with some on-street parking.

The landscape and screening concept for Riverwalk Estates features a decorative masonry and wood wall along the South Delaware Avenue frontage. The entryways at South Delaware Avenue and 101st Street South will be landscaped and provide an inviting and impressive entrance.

The street frontage landscape, the South Delaware Avenue screening fence, will be maintained by the Riverwalk Estates Homeowners Association.

Environmental Analysis:

The Riverwalk Estates site fronts on South Delaware Avenue. Exhibit B indicates the site boundaries, topography, treed areas, existing and proposed utilities and drainage.

Topography:

The Riverwalk Estates property has mild slopes of less than 10' from north to south and east to west. The highest point on the property is near the northeast corner where the elevation is approximately 616 feet MSL. The low point along the south line of the property is at approximately 613 feet MSL. Riverwalk Estates is partially within a City of Tulsa regulatory floodplain; however, stormwater sheet run-off, along with run-off from adjacent properties, will not require an on-site stormwater detention facility due to the project's proximity to the Arkansas River.

Drainage:

On-site detention will not be required. Drainage within Riverwalk Estates will be collected in drop inlets and carried to the Arkansas River.

Utilities:

Riverwalk Estates will be served by 4-, 6-, and 8-inch waterlines running parallel to the private streets and connected to a 12-inch water main on the west side of South Delaware Avenue.

Other Utilities:

Other utilities and communications services are available and accessible to Riverwalk Estates.

Area zoning is shown on Exhibit D.

Detail Site Plan Review

No building permit for a residence within Riverwalk Estates shall be issued until a final subdivision plat has been approved by the TMAPC in compliance with the site plan and preliminary plat, Exhibit A, and the approved Riverwalk Estates development standards.

Schedule of Development

Development will begin in late summer 2005 upon completion of the platting of the property.

3. 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.
4. No sign permits shall be issued for erection of an entry 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.
5. 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 service on a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
6. Access and circulation shall be provided as delineated in the PUD development standards and text.

7. 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.
8. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process that are approved by the TMAPC.
9. 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 March 3:

Water – A water main extension (contract) will be required along Delaware Avenue and to serve all lots within the addition.

Stormwater – Significant portions of this site are in FEMA and City of Tulsa Regulatory floodplains. This will make the site difficult to develop with the concept that is shown. This will require a CLOMR and LOMR along with compensatory storage easements for the development to be constructed as shown in the Exhibits. The creek along the east side needs to be maintained. Development will also require a PFPI Plan, a Stormwater Pollution Prevention Plan and possibly a Federal 404 permit.

Wastewater – Provide sanitary sewer service to all lots within the subdivision. SSID will be required.

Transportation – Recommend sidewalk on South Delaware, connecting to a pedestrian access through gated entry.

INCOG Transportation – Recommend two pedestrian access easements to the park.

Traffic- Parkway ROW shall be a minimum of 75 feet for Delaware. Recommend 30' minimum (26' paving) for the reserve. The proposed access point on Delaware meets the minimum design criteria for spacing median openings of at least 1000' apart but this design would likely deny left-turn access to the tract from the south. In lieu of a public street system this office recommends a shared access entry to allow both tracts a safe and adequate entry off of the future high-speed facility. Due to the large number of units, a high-capacity gated entry should be designed to eliminate conflicts with the future six-lane facility. Recommend two pedestrian access points connecting to the park.

Applicant's Comments:

Robert Nichols, 601 South Boulder, Suite 400, Tulsa, Oklahoma 74119, stated that he represents Riverwalk Estates Development, LLC, stated that he is filing this application to be consistent with the single-family residential development immediately to the east, west and north of the subject property. There are some issues regarding floodplain and access onto Riverside Parkway. These issues will be addressed during the platting stage of this development. He indicated that he is appreciative of staff's favorable recommendation.

INTERESTED PARTIES:

Joram Rauchwerger, 7410 South 86th East Court, Tulsa, Oklahoma 74137, submitted a letter (Exhibit H-1), stated that he would like to read the letter. Mr. Rauchwerger read his letter (Exhibit H-1) cited his concerns with the plans indicating that the storm sewer drainage flow that would cross his property. He stated that the applicant hasn't been granted any rights to his property.

Marvin Cooke, 2924 East 103rd Street, Tulsa, Oklahoma 74137, expressed concerns with traffic and the access onto 103rd Street.

Mr. Westervelt explained to Mr. Cooke that the Planning Commission encourages aligning streets for traffic flow and access points. In response, Mr. Cooke asked if the applicant would be directing traffic to 101st Street. He explained that there is a small piece of undeveloped street adjacent to the east side of Delaware that could theoretically be accessed up to 101st and it would relieve some of the pressure.

Applicant's Rebuttal:

Mr. Nichols stated that Florence Avenue is currently a publicly-dedicated street. It has not been developed to City standards, and as part of this development Florence Avenue would be developed up to 101st Street. This would allow access other than to 103rd Street, which is stubbed.

Mr. Nichols stated that the easement that is shown to the east is on a conceptual site plan contemplating having stormwater drainage taken to the Arkansas River across Mr. Rauchwerger's property. If he is unable to obtain that easement, then some other route for that stormwater would have to be planned and approved by Stormwater Management and the Department of Public Works.

Ms. Hill asked if Mr. Rauchwerger understood the process. In response, Mr. Nichols stated that he has not been informed that he has the right to go across Mr. Rauchwerger's property and if he is unable to obtain that right, then he will seek some other source to reach the Arkansas River with the stormwater.

Ms. Hill encouraged Mr. Nichols to have dialogue with Mr. Rauchwerger regarding this issue in order to understand the process.

INTERESTED PARTIES:

Greg Jennings, 2260 South Troost, Tulsa, Oklahoma 74114, stated that he actually does have an interest in this application. He asked why there isn't more of an effort made to align the new lots with the existing lots. He requested more information regarding the group proposing this development.

TMAPC COMMENTS:

Mr. Westervelt suggested that Mr. Jennings discuss his questions with the applicant.

Mr. Westervelt asked staff if there are any issues regarding future access to the River for trails or anything else. In response, Ms. Matthews stated that the trails are addressed in the TAC comments.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-6982 and recommend **APPROVAL** of PUD-714, subject to conditions per staff recommendation.

Legal Description for Z-6982/PUD-714:

A tract of land in the NE/4 of Section 29, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, said tract of land being more particularly described as follows, to-wit: Commencing at the Northwest corner of said NE/4; thence N 89°42'15" E along the North line thereof for 2,648.57' to the Northeast corner thereof; thence S 00°08'43" E along the East line thereof for 836.44' to the Point of Beginning, said point being 176.40' South of the Southeast corner of the NE/4, NE/4, NE/4 of said Section 29; thence S 89°43'36" W and parallel with the South line thereof for 623.38'; thence N 00°17'45" W for 176.40'; thence S 89°43'36" W along the South line of Block 2, Delaware Pointe Addition for 700.24'; thence S 00°09'46" E for 659.52' to the Southeast corner of Block 3 of said Delaware Pointe Addition; thence S 89°47'37" W along the South line of said Block 3 for 1,091.61' to the Easterly right-of-way of South Delaware Avenue; thence S 33°56'31" E along said right-of-way for 684.13'; thence N 63°57'06" E for 254.38'; thence S 26°02'47" E for 77.25'; thence N 89°47'38" E for 750.99'; thence N 06°37'29" W for 142.57'; thence N 18°21'46" W for 178.23'; thence N 89°47'37" E for 1,093.04' to a point on the East line of said NE/4; thence N 00°08'43" W along said East line for 701.55' to the Point of Beginning, and located south of the southwest corner of East 101st Street South and South Harvard Avenue, Tulsa, Oklahoma, **From** AG (Agriculture District) **To** RS-3/PUD (Residential Single-family High Density District/Planned Unit Development).

Application No.: PUD-667-4

MINOR AMENDMENT

Applicant: Blake Burks

(PD-26) (CD-8)

Location: 11301 South College Avenue

STAFF RECOMMENDATION:

This proposal is to extend a single-family residence 19' into the 30' PUD building line setback on Lot 1, Block 4, Waterstone. Three other minor amendments to PUD-667 have been applied for in the recent past, all of which related to setback changes and two of which were denied. This application proposes a substantial intrusion into the building line setback and staff cannot support it. Therefore staff recommends **DENIAL** of PUD-667-4.

Applicant's Comments:

Blake Burks, 8326 South 71st East Avenue, Tulsa, Oklahoma 74133, stated that if he were to rewrite the staff recommendation then the first line would not be considered a 19-foot intrusion or extension into the setback. The builder is currently constructing the house and it has a detached accessory structure within the setback (eleven feet off of the back property line, which conforms to Title 42, Section 210). He explained that he would like to ask for permission to connect the seven feet between the two structures. The garage is 12' x 25' (300 SF total) and it is already in the setback (19 feet into the setback). He indicated that he would like to add another 175 feet to the first floor of the structure, which would be seven feet by 25 feet.

Mr. Burks explained that by permit and by ordinance, he is fine with the elevation, but he would like to go a step further and have acceptance on filling in the 7' x 25'.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Burks if he had a copy of the site plan. In response, Mr. Burks answered negatively.

Mr. Harmon asked if it is legal for the garage to already be in the setback. In response, Mr. Burks answered affirmatively.

Mr. Burks stated that the garage is an accessory use and it can't be over 20% of the rear setback area in square footage, but it can be within that setback. A garage does comply with that the accessory detached structure portion of the Zoning Code.

Mr. Ard asked if the proposal would be an enclosed structure or a porte-cochere that covers from the main house to the garage, because basically what this

would do is move the outside wall of the house to the outside wall of the accessory building. In response, Mr. Burks stated that he would be just connecting Point A to Point B. It would all be part of the enclosed structure, which would seven feet by twenty-five feet.

There were no interested parties wishing to speak.

Mr. Westervelt asked staff and Legal if they have heard anything today that would change their opinion or recommendation.

Mr. Boulden stated that he hasn't heard anything different, but it is a sneaky way of accomplishing this.

Mr. Midget asked if there would be other requests like this coming through, because once that gate is opened, it would set a precedent.

Mr. Westervelt stated that there is no way the Planning Commission can support this application.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Ard, Bayles, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to **DENY** the minor amendment for PUD-667-4 per staff recommendation.

* * * * *

OTHER BUSINESS:

Application No.: Z-6958-SP-1

REQUEST FOR REFUND

Applicant: Tulsa Engineering & Planning Associates (PD-17) (CD-6)

Location: North of northwest corner of East 11th Street and South 123rd East Avenue

STAFF RECOMMENDATION:

Mr. Alberty stated that his was continued in order for Mr. Midget to inquire about the floodplain. Staff had not recommended a refund based on the work that had been done.

Mr. Midget stated that the City's work is still far enough away that if the Planning Commission decided they wanted to refund the fees, it would be appropriate.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Ard, Bayles, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to **APPROVE** the refund all of the fees to Tulsa Engineering and Planning Associates.

Discussion and review of the Board of Adjustment Study.

STAFF RECOMMENDATION:

Mr. Alberty presented the edited and modified report based on what was presented at the worksession on February 23, 2005. Each Planning Commissioner has been provided a final copy, which is a 71-page report. There are some critical issues and he will hit some of the high points.

Mr. Alberty stated that this report has taken 90 days to prepare and there has been extensive staff input. More than 12 individuals on the TMAPC and INCOG staff have provided contribution to this report. There is a lot of work that should be recognized.

Mr. Alberty reviewed all of the edits and modifications made to the report, which was recommended at the worksession on February 23rd.

TMAPC COMMENTS:

Mr. Westervelt asked staff if they would be transmitting this report to the City Council. In response, Mr. Alberty stated that he informed the City Council that he would be submitting this report pending the Planning Commission action. This is the Planning Commissions' request and report.

Mr. Westervelt thanked all of the TMAPC and INCOG staff who spent hours and hours poring over this data. There is enough detail for anyone to sink their teeth into as to why it would not be a good idea to send the Board of Adjustment decisions directly to the City Council for appeals.

Mr. Westervelt stated that this report will be transmitted to the City Council and at the City Council would be the best time for interested parties to express their interest or concern.

Mr. Westervelt commented that he is amazed at the amount of data that the staff has pulled together for this report. He expressed his disappointment that a slideshow by Councilor Mautino created this request and that with further review, it turns out that only two of the cases from the initial slideshow were accurate cases of BOA. Mr. Westervelt further expressed his disappointment that he had to request this slideshow numerous times from Councilor Mautino before it was

forthcoming. He commented that something good has come from Councilor Mautino's confusion, which would be the issue of taking a look at the Use Units in the Zoning Code.

Mr. Midget stated that it might be helpful if the staff could identify for the City Council what recommendations could be accomplished now and those that would take more time. This would give the City Council something to latch onto and start working on, rather than appealing everything to the City Council.

Mr. Harmon complimented the staff for an excellent study and said it is obvious a lot of time was spent on this. The recommendations and conclusions are well thought out and represented.

Mr. Alberty thanked the Planning Commission on behalf of the staff.

Ms. Hill asked if the report would be available to the general public. In response, Mr. Alberty stated that an executive summary would be available upon request. If someone wants the entire report, they would have to request it.

Ms. Hill stated that this is a good document and anyone who has concerns should read it and make decisions based on all of the information, which is included in this report.

Mr. Ard stated that the report is a good piece of information. This document may put to rest some misconceptions that the public has. He asked if there is something that could be done to address Item 8 regarding homeowners versus developers and costs.

Mr. Alberty stated that staff tried to come up with several ideas and found that during the worksession discussion that there wasn't anything the Planning Commission and staff could recommend regarding the cost of appeals.

Mr. Westervelt stated that there is a misconception regarding the costs of appeals. He explained that one of the cases that is on the slideshow from Mr. Mautino is what he called his "test case". It was a simple application and Councilor Mautino and his neighborhood association, using State funds, litigated the project and tied it up in court before it was finally settled. He stated that Councilor Mautino stated that this was his test case to see how long he could tie up an application in court. Mr. Westervelt stated that he doesn't think the City Council is so unsophisticated that they really believe that this is a problem. In a time where the State is trying to lower costs with Torte Reform in nearly every other industry, the concept of providing free legal funds for any appeal that one wants to make is one of the single worst ideas he has heard in a long time. (The case Mr. Westervelt is discussing is a case in which Mr. Westervelt was the applicant.)

Mr. Ard stated that he is not suggesting that free legal funds be made available. He explained that the funds issue is the highlight of any homeowners' association meeting. This document could be shared with the groups to show them that it is a misconception.

Mr. Westervelt stated that the associations do not realize the ability to raise funds and to do things is actually quite permissive from their standpoint. When the City Council holds a public hearing he believes that they will receive a lot of comment from a lot of people about how out of sync this perception is. He commented that he feels very strongly about this after being on the other side of the very first "test case" where there were no interested parties except for one gentleman who thought he was signing an application form for the Planning Commission to review.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted 7-0-0 (Ard, Bayles, Harmon, Hill, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Horner, Ledford "absent") to **APPROVE** the Board of Adjustment Study and forward it to the City Council as the final report for public hearing.

There being no further business, the Chair declared the meeting adjourned at 8:10 p.m.

Date Approved:

Shirley M. Bayles

Chairman

ATTEST:

Michael M. Davis

Secretary