

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2408

Wednesday, April 6, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 4, 2005 at 9:35 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 Bayles called the meeting to order at 1:30 p.m.

### Minutes:

#### **Approval of the minutes of February 16, 2005, Meeting No. 2403**

On **MOTION** of **HILL** the TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of February 16, 2005, Meeting No. 2403.

### Minutes:

#### **Approval of the minutes of February 23, 2005, Meeting No. 2404**

On **MOTION** of **HARMON** the TMAPC voted 8-0-1 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson "aye"; no "nays"; Ledford "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of February 23, 2005, Meeting No. 2404.

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## **REPORTS:**

### **Chairman's Report:**

Ms. Bayles thanked the citizens of Tulsa for their overwhelming support of the GEO Bond vote yesterday. Ms. Bayles commented that she sees this as a huge initiative for the City of Tulsa and it is moving forward.

### **Worksession Report:**

Ms. Bayles reported that the two items discussed during the March worksession recommended establishing and supporting more effective lines of communication between the public and the various boards, authorities and commissions.

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

Mr. Alberty reported that the month of February 2005 receipts are \$4,000 under the same period of time in 2004. To date the receipts are approximately \$25,000 less than the same period of time in 2004.

Mr. Alberty reported that there are several items on the City Council agenda this Thursday.

Mr. Alberty reported that there will be a BOA workshop on April 29<sup>th</sup> and 30<sup>th</sup>. He instructed the Planning Commissioners that they should contact Phyllis Butler, BOA Recording Secretary, if they wish to attend this workshop. He informed the Planning Commission that the speaker is Michael Chandler, retired Professor from Virginia Tech, who is highly recommended to conduct such a seminar.

### **TMAPC COMMENTS:**

Ms. Hill asked staff if the downward trend with the TMAPC receipts has been going on for the past year. In response, Mr. Alberty stated that the downward trend has been the length of this fiscal year.

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Ms. Bayles stated that before moving into the agenda there are two housekeeping issues.

**Application No.: PUD-146-1**

**MINOR AMENDMENT**

**Applicant:** Robert Ratliff

(PD-18) (CD-8)

**Location:** 3527 East 71<sup>st</sup> Place

**STAFF RECOMMENDATION:**

The applicant has requested a continuance in order to obtain a property survey.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Ard, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the minor amendment for PUD-146-1 to April 20, 2005.

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**Application No.: PUD-680-3**

**MINOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-6) (CD-9)

**Location:** Southeast corner of East 22<sup>nd</sup> Street and South Utica

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to April 20, 2005 in order to allow for an amended notice to be made.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Bayles, Ard, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the minor amendment for PUD-680-3 to April 20, 2005.

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## **SUBDIVISIONS:**

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

**L-19791 – John Moody** (0318)

(PD 25) (CD 1)

4501 North Peoria

### **STAFF RECOMMENDATION:**

This application is to split a 20' x 190' parcel off Tract 2 and a 60' x 120' parcel off Tract 3 to be tied to Tract 1 (see Exhibit 1). Proposed Tract 1 would be 120' x 250' and proposed Tract 2 would be 80' x 190'. Because the property is zoned CS and is located on a secondary arterial, according to the Tulsa Metropolitan Area Major Street and Highway Plan (MSHP), each tract is required to have a minimum of 150' street frontage. On January 11, 2005, the City of Tulsa Board of Adjustment approved a variance of the street frontage requirement for proposed Tract 1 from 150' to 120'; and on March 8, 2005, the Board of Adjustment approved a variance of the street frontage requirement for proposed Tract 2 from 150' to 80' subject to that tract being tied to Tract 3.

Public Works noted that a sanitary sewer main line will be required to be installed for any development of the property.

In reviewing this application, however, staff discovered that on May 28, 1997, L-18477 was approved that resulted in Tract A-1 being tied to Tracts B and C; and Tract A-2 being tied to Tract D (see Exhibit 2). These resulting tracts could not be conveyed separately without TMAPC approval. The deeds were stamped and filed at the county courthouse.

In 2000, the Walgreens No. 06268 Plat was approved and filed at the courthouse that included all of Tract B, a portion of Tract A-1, and the adjacent property to the north. A lot-split was not granted to split off that 60' x 64' portion of Tract A-1, nor did the TMAPC approve the rescinding of the lot tie-agreement for that portion of Tract A-1 and Tract B from the restriction placed on the deeds in 1997 under L-18477.

The applicant is asking the TMAPC to rescind the tie-agreement restrictions for Tracts A-1, B and C under L-18477, subject to the condition that the proposed Tract 2 (under L-19791) be tied to Tract 3.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **RESCINDING** the tie language for Tracts A-1, B, and C under L-18477 and recommends **APPROVAL** of the current lot-split request, L-19791, subject to Tract 2 being tied to Tract 3 and subject to verbiage being placed on the deeds that a sanitary sewer main line will be required to be installed for any development of the property.

**TMAPC COMMENTS:**

Mr. Harmon asked staff to clarify the how the lots will be tied and split. In response, Ms. Chronister explained the lot-split and past lot-splits.

Ms. Bayles asked staff if Tract 2 is being used as access for the remainder of Tract 3. In response, Ms. Chronister answered affirmatively.

**Applicant's Comments:**

**John W. Moody**, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74119, stated that he is in agreement with the staff recommendations. This proposal will rescind old actions and make the documents conform to as they are on the ground. There will be a new Dollar Store and his client is already engineering and designing a sanitary sewer main lift station. There will be a new sewer line in the subject area and will be an improvement for the subject area. Mr. Moody concluded that he would like the restriction in the deeds to say that there can be no occupancy of any property until the sewer lines are installed.

Ms. Bayles asked staff if they could work with the language Mr. Moody has proposed. In response, Ms. Chronister answered affirmatively.

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFOORD**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **RESCIND** the tie language for Tracts A-1, B, and C under L-18477 per staff recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the current lot-split request, L-19791, subject to Tract 2 being tied to Tract 3 and subject to verbiage being placed on the deeds that a sanitary sewer main line will be required to be installed for any development of the property, and a restriction on the deeds that there can be no occupancy of any property until the sewer lines are installed per staff recommendation.

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

**L-19799 – Sisemore Weisz & Associates** (9314)

(PD 5) (CD 5)

Northeast corner East 31<sup>st</sup> Street and Sheridan Road

**L-19800 – Christopher Broyles** (8308)

(PD 18) (CD 9)

2812 East 71<sup>st</sup> Street

**L-19801 – Dean Solberg** (8303) (PD 18) (CD 7)

6202 South Sheridan Road

**L-19802 – Hurst Swiggart** (0225) (PD 2) (CD 1)

763 East Tecumseh

**L-19804 – Clark Neely** (8333) (PD 26) (CD 8)

Louisville Place, north of East 115<sup>th</sup> Street

**L-19807 – Ollie Mae Smith** (8234) (County)

11596 South 33<sup>rd</sup> West Avenue

**STAFF RECOMMENDATION:**

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

**TMAPC Action; 9-0-0 members present:**

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

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**FINAL PLAT:**

**Commercial Center –** (8314) (PD 18) (CD 8)

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

**STAFF RECOMMENDATION:**

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

All release letters have been received and staff recommends **APPROAL**.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the final plat for Commercial Center per staff recommendation.

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**Summit West – (8303)**

(PD 18) (CD 7)

North of East 71<sup>st</sup> Street, East of South Yale Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 3.7 acres.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the final plat for Summit West per staff recommendation.

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**MINOR SUBDIVISION PLAT:**

**Pheasant Run Office Park – (8307)**

(PD 18) (CD 2)

Southeast of East 73<sup>rd</sup> Street and South Wheeling (continued from 3/16/05)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.83 acres.

The following issues were discussed March 3, 2005 and March 17, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD-128-G.
2. **Streets:** Sidewalks are required on the collector per Subdivision Regulations.
3. **Sewer:** A sanitary sewer mainline extension is required to provide sanitary sewer service to the platted area before the property can be divided.
4. **Water:** No comments.
5. **Storm Drainage:** Add elevations to contour lines, so existing drainage direction can be determined. No storm sewer easements are shown on the face of plat. Remove Section I E. Storm sewers are addressed in Section IC. The storm sewer draining the west side of Wheeling from the double grate drop Inlet to the storm drain manhole is not an 8 inch pipe, as shown. Please correct.
6. **Utilities:** N/A
7. **Other: Fire:** NA

Staff recommends **APPROVAL** of the minor subdivision plat because all of the release letters have now been received for the project, subject to the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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



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

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minor subdivision plat for Pheasant Run Office Park, subject to special conditions and standard conditions per staff recommendation.

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**PRELIMINARY PLAT:**

**The Bluffs –** (9005/9006)

(County)

North of US 51, East of 263<sup>rd</sup> West Avenue

**STAFF RECOMMENDATION:**

This plat consists of 35 lots, one block, on 41.27 acres.

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

1. **Zoning:** The property is zoned RE.
2. **Streets:** Will require waiver of Subdivision Regulations (Section 4.2.7) that limits cul-de-sac length to 500 feet; Section 4.2.8 requires minimum radius of 2 feet for property lines at minor intersections (S.257<sup>th</sup> Street and Coyote Trail); App. B Section 2.7.8 recommends minimum 125 foot radius for centerline of street alignment (curves 7 and 8 are less than minimum) Change the dedication to read "...Street Rights-of-way". Sight distance may be of concern for combined horizontal and vertical curves near crest of hill, curve C8. Suggest modifying the intersection to intersect closer to 90 degrees. The sight distance at the intersection and possibly Lot 3 will need to be evaluated. Discuss the classification of Coyote Trail. Explain the access and utility easement near Lot 24. Show section line right-of-way on face of plat. Square up entrance. Limit access on lots near entrance. Get approval for access on lot 26 and explain access in covenants. Radius needs to be 30 feet.
3. **Sewer:** No comment. Septic or aerobic systems are proposed.
4. **Water:** Look at service line tap from proposed main line for Lot 25. Fire hydrant placement 350 foot radius coverage area. Look at the tie-end area of the off-site and on-site – too many fittings too close. Will Sand Springs verify construction? *The City of Sand Springs was represented at the TAC meeting and the City will supply water and do proper inspections.*
5. **Storm Drainage:** Show and label, with filed book and page numbers, all existing easements and right-of-way. Verify that Corps of Engineers have no additional elevation requirements outside their property lines. Add overland drainage easements for the drainage flowing to and from the roadway drainage structures. Add standard language for surface drainage and overland drainage easements.
6. **Utilities:** N/A

7. **Other: Fire:** Fire service needs to be determined and approve of subdivision. Location map needs to be completed to show adjacent platting/ownership status. Need surveyor C.A. number, date of expiration, and email address if available.

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

**Waivers of Subdivision Regulations:**

1. A waiver to the cul-de-sac length 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.

**TMAPC COMMENTS:**

Mr. Harmon asked how long the cul-de-sac would measure. In response, Mrs. Fernandez stated that it would be 2300 feet in length. She indicated that the Fire Department was present and approved it. The County Engineer was present and didn't have a problem with it because of its location.

Mr. Harmon asked what the location of the property has to do with the cul-de-sac being extremely long. In response, Mrs. Fernandez stated that she would let the applicant speak to this.

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

**INTERESTED PARTIES:**

**Pat Geenen**, 380 South 257<sup>th</sup> West Avenue, Sand Springs, Oklahoma 74063, stated that he lives in the middle of the forty acres and he has several complaints. He expressed concerns about the sewer system and the land perking. He explained that he uses well water and he is concerned that the septic system would affect his drinking water.

Mr. Geenen stated that the way Mr. Coleman has cut the road to the north causes water runoff to come onto his property and has been washing his foundation away from his home. He indicated that he owns an older home that is on blocks.

Mr. Geenen stated that his house has a private road and the road was taken out and moved back to the west. He indicated that he is having trouble getting in and out of his property because there is no gravel on top of the hill. He commented that he was not warned about his driveway and private road being moved. On September 18<sup>th</sup> the applicant ran dozers, backhoes, tractors for two weeks/ 24hours. He stated that all of the work has cracked his foundation and kept him up at night.

### **STAFF RECOMMENDATION:**

Mrs. Fernandez stated that the County Engineer and his assistant look at new subdivisions and they did review the drainage plans for this particular addition. There can be no additional stormwater runoff or drainage conditions that would go onto some else's property nearby or abutting the subdivision. Mrs. Fernandez offered to have the County Engineer meet with the interested party onsite to discuss what problems are occurring. It sounds like this is a construction problem and possibly some mitigation efforts are needed.

### **TMAPC COMMENTS:**

Mr. Ard asked if there is the same type of drainage requirements on the subject property since it is on a lake peninsula. In response, Mrs. Fernandez stated that the same requirements would hold true of the county standards, but the Corps of Engineers would also be involved in how this drainage flows into the lake.

Mr. Ledford stated that a 404 Clean Water Act permit may be required. It sounds like this is something that the County Engineer should review and take some type of action with the developer.

Mr. Ard asked Mr. Geenen to clarify where his property is located. In response, Mr. Geenen pointed out his property on the case map.

Mr. Geenen stated that originally there was a private road with a gate and he owned half of the gate, which has disappeared. He commented that the area is rocky and the applicant has tried to move the rocks with dozers and it has shaken his home and caused foundation problems.

Mr. Harmon asked Mr. Geenen if the private driveway was a recorded easement across another person's property. In response, Mr. Geenen stated that he believes that it is.

Mr. Ledford informed Mr. Geenen that this is a preliminary plat and it hasn't gone through the final plat stage. He understands Mr. Geenen's problems and they are significant to him and they are important. The drainage and title issues should be worked out, but it isn't the purview of this board to work out those issues.

### **Applicant's Rebuttal:**

**Jim Coleman**, P.O. Box 351, Mannford, Oklahoma 74044, stated that he is the developer for the owner. He commented that he also lives in the area and has developed 400 acres surrounding this property.

Mr. Coleman stated that this is a unique piece of property on the peninsula. He indicated that Mr. Geenen has lived on his subject property for approximately 14 years according to the County records. He stated that Mr. Geenen's access easement is by private roadway access agreement. Mr. Coleman further stated

that he owns the rights to that easement and he can move the road at any point. However, he has not deliberately tried to keep Mr. Geenen from accessing his property or impede his progress to his property in any way.

Mr. Coleman stated that he has moved the subdivision street to where it would not take any of Mr. Geenen's property off of the plat. All of the roadway easement and utility easements are off of the subject property site and not off of Mr. Geenen's property. He commented that he has not changed the drainage or topography toward Mr. Geenan's property. Mr. Geenan's home was moved out of the old town of Keystone and sits on cinder blocks and the house is quite old and he is sure that there are cracks in the home.

Mr. Coleman stated that Sand Springs will be supplying the drinking water and the septic systems will have to meet the State and the County as to their configurations. He indicated that Mr. Raines has been to the site on several occasions and the cul-de-sac has been discussed. He commented that the acreages are big enough that people park off-street. There is a letter filed from the Fire Department and Ambulance Department that they approve of the subdivision.

#### **TMAPC COMMENTS:**

Mr. Harmon asked if the Subdivision Regulations would have it built in that no street parking is allowed. In response, Mr. Coleman stated that it is not in the restrictions, but there is almost no reason for street parking.

Ms. Hill recognized Mr. Geenen.

Mr. Geenen stated that originally the proposal was for two- to four-acre lots and nothing under an acre. He further stated that when this construction started his gas line was taken out. He commented that Mr. Coleman's lawyer wrote him a letter stating that the gas line had been installed improperly because it didn't have a State sticker on it. The gas company told him if he would get a sticker they would put the gas line back in. He obtained the sticker, but the gas company denied him because he needed to pressure his line up. In the process of pressuring his line up, they ripped the line out and there is no way to pressure it up. He indicated that he has been living without gas to heat his water. He commented that he and his girlfriend have been taking showers in the State park. He commented that he doesn't believe that this is right and he should be able to get his gas line back.

Mr. Ledford stated that before he makes a recommendation, he would like everyone to know that he does not agree with the length of the cul-de-sac, but there are those areas where this will happen.



**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for The Bluffs and waiver of the Subdivision Regulations for the cul-de-sac length, subject to special conditions and standard conditions per staff recommendation.

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**Steeplechase Estates – (7236)**

(County)

Southeast corner of West 171<sup>st</sup> Street and Elwood Avenue

**STAFF RECOMMENDATION:**

This plat consists of 13 lots, two blocks, on 26.8 acres.

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

1. **Zoning:** The property is zoned AG.
2. **Streets:** At intersection of 171<sup>st</sup> and 172<sup>nd</sup>, Subdivision Regulations require the radius of return to be 30 feet at both corners. The right-of-way on Elwood could be reduced to a dedication of 50 feet from the centerline (Section line), and for right turn lane widened to 58 feet for a distance of 388 feet southward from the centerline of 171<sup>st</sup>. Subdivision Regulations require a minimum of 30 feet radius dedication at the southeast corner of Elwood and 171<sup>st</sup>. Change the dedication to read...Street "rights-of-way". Excess right-of-way of 60 feet on Elwood is okay but the right turn lane requires only 58 feet per Subdivision Regulations.
3. **Sewer:** No comment.
4. **Water:** No comment. Creek County # 2 will provide service.
5. **Storm Drainage:** Need overland drainage easements for drainage which outlets from Reserve A and for all other areas where offsite drainage flows across the platted area. Do not place utility easements within the ponding area in Reserve A. Add standard language for overland drainage easements. If Reserve A is for stormwater retention and/or detention, then standard language for the maintenance of Reserve A should be added to Section I, and should be separated from Reserve B for uses.
6. **Utilities: East Central Electric:** need to meet with engineer on access/easements for the site.

7. **Other: Fire:** Bearings and distances are not paired as in the legal description. Dimension limits of no access and add E911 addresses.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Steeplechase Estates, subject to special conditions and standard conditions per staff recommendation.

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**Application No.: Z-6983/PUD-127-A**

**RS-3/RD/PUD to RT/RM-1/PUD**

**Applicant:** Sisemore, Weisz & Associates

(PD-18) (CD-9)

**Location:** Southeast corner of East 67<sup>th</sup> Street and South Utica Avenue

**STAFF RECOMMENDATION:**

**PUD-127-6 July 2004:** A minor amendment of the subject PUD was approved by TMAPC to allow an increase of building height from 35' to 40', an amendment to allow a 25' setback from the southerly and easterly boundaries, and to grant a waiver of the screening requirements along the southerly and easterly boundaries.

**PUD-307-B December 2003:** A major amendment was filed and approved for PUD-307 and PUD-307-A on property located south of the subject tract on the south side of Joe Creek and east of South Utica Avenue. The amendment included abandoning 7.4 acres of the adjoining PUD-287 on the west and adding that tract to PUD-307. The amendment would allow the expansion of the original PUD-307 development which included a retirement and health care facility. The increased area was then approved to include elderly housing, duplex, triplex and four-plex dwelling units.

**PUD-127-5 October 1995:** A minor amendment to the subject PUD was approved to allow duplex use on a portion of Lot 1.

**PUD-385 December 1984:** A request to rezone 1.7-acre tract located on the northwest corner of East 71<sup>st</sup> Street South and South Utica Avenue from OM to CS was filed. TMAPC and City Commission approved CS zoning on the west 130' with the balance remaining OM for commercial and light office development. This property is located south of the subject tract on the southeast side of Joe Creek.

**PUD-287 June 1982:** All concurred in approval of a request to rezone an 11.8-acre tract located on both east and west sides of South Utica Avenue and south of Joe Creek drainageway, from OM to OM/PUD for an office development.

**PUD-127 August 1972:** Approval was granted for a Planned Unit Development on approximately sixty-eight acres, which included the subject property, from RS-2 to RM-1, RD, RS-3, and PUD. The development plan was approved for varied dwelling types to include single-family attached and detached, townhouses and garden apartments along with open space and recreational facilities.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 3.3 acres in size, gently sloping, non-wooded, vacant and zoned RS-3/RD/PUD-127.

**STREETS:**

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

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

**SURROUNDING AREA:**

The property is abutted on the east by Joe Creek drainageway, zoned RS-3; to the northeast and west by apartments, zoned RS-3/PUD-127; to the north are single-family dwellings, zoned RS-3/PUD-127; and to the south across Joe Creek is an office development, zoned OM/PUC-287.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Detail Plan designates this area as Low Intensity – No Specific Land Use. According to the Zoning Matrix, the requested rezoning **may be found** in accord with the Comprehensive Plan.

### **STAFF RECOMMENDATION:**

Staff can't find a reason for the request for a zoning change or a major PUD amendment. The underlying zoning would appear to accommodate the requested density, so that only a minor PUD amendment would be warranted. Therefore, staff recommends **DENIAL** of Z-6983 and of major amendment PUD-127-A, and **APPROVAL** of minor amendment PUD-127-7, 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**

GROSS LAND AREA:	3.352 Acres (146,026 SF)
NET LAND AREA:	2.768 Acres (120,574 SF)
EXISTING ZONING:	PUD 127 / RS-3 / RD
PROPOSED ZONING:	PUD 127-A / RT / RM-1
PERMITTED USES:	Use Unit 7a, Townhouse Dwelling Units, and accessory buildings & uses.
MINIMUM PROJECT DEVELOPMENT WIDTH:	70 Feet
MINIMUM TOWNHOUSE LOT WIDTH:	20 Feet
MINIMUM TOWNHOUSE LOT AREA:	1,600 SF
MAXIMUM ALLOWABLE TOWNHOUSE DWELLING UNITS:	36
PROPOSED TOWNHOUSE DWELLING UNITS:	35
MAXIMUM BUILDING AND STRUCTURE HEIGHT:	3 Stories and 40 feet
MINIMUM OVERALL LIVABILITY SPACE PER PROJECT:	42,000 SF
MINIMUM BUILDING AND STRUCTURE SETBACKS:	
From the centerline of E. 67 <sup>th</sup> St. S.	45 feet
From the centerline of S. Utica Ave.	55 feet
From the east property line	20 feet
From the south property line	20 feet
From internal private streets	10 feet
MINIMUM REAR YARD SETBACKS:	20 feet

MINIMUM SIDE YARD SETBACKS: 5 feet each side yard

OFF-STREET PARKING: Per Tulsa zoning code requirements.

MINIMUM LANDSCAPE REQUIREMENTS: Per Tulsa zoning code requirements.

SCREENING FENCE REQUIREMENTS: 6' screening fence with gates required to fully surround all trash dumpsters located on the property site. Waiver of 6' screening fence requirements along south and east property lines of site requested as part of this PUD Major Amendment application (as previously approved under PUD-127-6).

*NOTE: The lot areas shown on Exhibits "B" & "C" of this report are conceptual in nature and reconfiguration of lot boundaries shall be permitted during the subdivision platting and approval process.*

3. Landscaping and screening shall be as described above and shall meet or exceed the requirements of the PUD chapter and the Landscape chapter of the Tulsa Zoning Code.
4. ~~No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.~~ The eleven lots will be defined, (and each lot will comply when they are actually submitted for building permits), through the Subdivision Regulations process.

**Applicant's Comments:**

**Darin Akerman**, Sisemore, Weisz and Associates, 6111 East 32<sup>nd</sup> Place, Tulsa, Oklahoma 74135, stated that staff's recommendation for a minor amendment is adequate. There are eleven lots and they would be defined and each lot would comply when they are actually submitted for a building permit rather having to go to the Planning Commission for development purposes and site plan review purpose end. It is his thought that these are basic residential lots with town homes on them and it is his desire to simply go through the platting process and not have the extra burden to have site plan review process for each lot and have to come back before the Planning Commission.

Ms. Matthews stated that staff is in agreement with this and it will be handled through the subdivision process.

Ms. Matthews stated that to clarify staff's recommendation, staff is recommending denial of the major amendment, approval of the minor amendment and denial of the RM-1.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **DENY** the RM-1 zoning for Z-6983 per staff recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **DENY** the major amendment for PUD-127-A per staff recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minor amendment for PUD-127-7, subject to conditions per staff recommendation and as modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

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**The Gardens on Utica – (8306)**

(PD 18) (CD 9)

Southeast corner of East 67<sup>th</sup> Street and Utica Avenue (**Related to Item 18.**)

**STAFF RECOMMENDATION:**

This plat consists of 11 lots, three blocks, on 2.76 acres.

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

1. **Zoning:** The property is zoned RS-3/RS with RT/RM-4 pending.
2. **Streets:** Dedicate a 25-foot radius at the intersection. Include dedication of public street rights-of-way for the proposed radius. Include "private streets" as a purpose of the Association In Section III A. Sidewalks are needed. Show access easement for a gate. Driveways will need to be approved through Traffic Engineering.
3. **Sewer:** SSID will be required.
4. **Water:** A looped water main extension will be required.



5. **Storm Drainage:** Show and label the "Joe Creek FEMA floodplain". The limits of the floodplain will be shown by plotting the 100-year water surface elevation (WSE). Add standard language for roof drainage requirements. All roof drainage should be piped to curbed and guttered streets, or to drainage inlet structures. The City of Tulsa stormwater design section is currently working on a Capital Improvement Project, which will rehabilitate Joe Creek Channel adjacent to this site. There will be no new pipe incursions into the channel and/or construction on public easements adjacent to the Creek without their prior, written approval. It is preferred that the drainage from this site be collected on-site, and then be piped to the existing public 60-inch RCP storm sewer located adjacent to the east side of this site. Drainage connections to the public system will require a Privately Financed Public Improvement (PFPI) Project.
6. **Utilities: PSO:** Additional easements are needed.
7. **Other: Fire:** Provide street addresses and lot square footages. Remove the word "general" from the subheading of Section I A for utility easements.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for The Gardens on Utica, subject to special conditions and standard conditions per staff recommendation.

\*\*\*\*\*

East 47<sup>th</sup> Street South, West of Lynn Lane

**STAFF RECOMMENDATION:**

This plat consists of 70 lots, six blocks, four reserve areas on 35.35 acres.

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

1. **Zoning:** The property is zoned RS-3.
2. **Streets:** Cul-de-sac and radius at east end of East 48<sup>th</sup> Street South is missing. Please include as curve C35.
3. **Sewer:** SSID will be required. The developer must pay both the applicable City of Broken Arrow system development fee of \$700.00 per acre, excess capacity fees of \$640.00 per acre and any other applicable fees.
4. **Water:** Show restricted water line easement on plat in reserve area. Add restrictive water line easement language. How will the proposed water main line cross along South 169<sup>th</sup> East Avenue over Reserve Area B? Water mains within 10 feet horizontal separation and two-foot vertical separation between a storm sewer or sanitary sewer mains must be ductile iron pipe. WMEC will be required.
5. **Storm Drainage:** Both existing and proposed Adams Creek Tulsa Regulatory Floodplain must be shown on the plat by plotting the 100-year water surface elevation. The entire proposed floodplain, plus an additional 20 feet (on both sides of the floodplain if it is 150 feet or less in width) must be located inside Reserves A and B. If the 15-foot access easement shown in these reserves is for that purpose, then it should not be shown as a separate easement. If it is not for that purpose, then its purpose and function must be approved for placement in these reserves, or it must be placed outside of the reserves. Utility easements may cross floodplain and stormwater detention easement reserves, when absolutely necessary, but they should never be made a purpose of these types of reserves, nor should they be purposely placed in these reserves. If the entire areas of Reserves A and B are to serve a dual purpose of compensatory storage easement and floodplain, then the entire reserve must be cross-sectioned for storage volumes both before and after construction. Add all standard language for compensatory storage easements to Section IG. In Section IG7 on the fourth line, remove "or planting of trees having a caliper of less than four (4) inches." In Sections II5 and 6 state whether the Oxford Park Homeowners' Association is Oxford Park I or II or both. In Section II6, state what the

"proportionate share" will be. Provide language explaining the 15-foot access easement.

6. **Utilities: PSO:** Additional easements are needed.
7. **Other: Fire:** A 96-foot cul-de-sac is needed. Lot line dimension is missing on the west side of Reserve A. Utility easements cannot be coterminous with and cover same area as the reserve areas as indicated. Please correct. Provide lot square footages.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

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

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

**TMAPC Action; 9 members present:**

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

\* \* \* \* \*

**Stone Creek Farms III – (9425)**

(PD 17) (CD 6)

North and west of the northwest corner of East 51<sup>st</sup>  
Street and 193<sup>rd</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 118 lots, eight blocks, on 39.04 acres.

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

1. **Zoning:** The property is zoned RS-4.
2. **Streets:** The cul-de-sac is undersized per the Fire Code.

3. **Sewer:** An SSID will be required for the sanitary sewer main extension. A fee of \$700.00/acre will be assessed for Broken Arrow system development fee and a \$640.00 per acre excess capacity fee.
4. **Water:** In the area of Block 3, Lots 19 and 18, there is a water main within the 10-foot horizontal separation from sanitary sewer main that must be ductile iron pipe.
5. **Storm Drainage:** The Spunky Creek Tulsa Regulatory Floodplain must be shown by plotting the 100-year water surface elevation as its limits. The entire proposed floodplain, plus an additional 20 feet (on both sides of the floodplain if it is 150 feet or less in width) for access, must be located inside Reserves B and C. Specify which portions of those reserves are for overland drainage and which are required for stormwater detention. Show and label the boundaries on those easements. Utility easements may cross floodplain and stormwater detention easement reserves, when absolutely necessary, but they should never be made a purpose of these types of reserves, nor should they be purposely placed in these reserves. If existing overland drainage easements and/or access easements extend from Stone Creek Farms II to Reserve Areas B and C, then they may have to be vacated before this plat can be filed. Access, 20 feet in width, must be provided above and outside of the 100-year water surface elevation limits of the stormwater detention facility located in the northeast corner of Reserve C. This access must be provided along the south and east sides of the facility from the end of the cul-de-sac, between Lots 18 and 19 of Block 3, to the outlet structure of the facility. The conceptual plan indicates that public storm sewers will extend across private lots within the subdivision at five separate locations. These must all be placed in storm sewer easements of minimum widths, as stated in the Tulsa Stormwater Management Manual, and must be shown on the face of the plat. Section III B should be replaced with the standard language for "water, storm sewer, and sanitary sewer services." Section II F through I should be combined, should include all standard language for this easement type. Add standard language for "overland drainage easement".
6. **Utilities: PSO, Cox Cable:** Additional easements are needed.  
**Valor:** Four side lot easements are needed.
7. **Other: Fire:** The cul-de-sac is undersized per Fire Code.

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



**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Stone Creek Farms III, subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

**Indigo Run – (1301)**

(County)

122<sup>nd</sup> Street North, West of Lewis (continued from  
3/16/05)

**STAFF RECOMMENDATION:**

This plat consists of nine lots, one block, on 25.18 acres.

The following issues were discussed November 18, 2004 and January 6, 2005, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural). Any problems with salt water from oil wells should be identified and rectified (neighbors have expressed concern about this). The section of the subdivision regulations concerning oil wells must be followed exactly. Septic systems must be located on the appropriate lot for each dwelling. Oil well setbacks must be clearly defined.
2. **Streets:** Change 60-foot to 40-foot (maximum) Limits of Access. Correct minor errors in the legal and match and show all appropriate bearings on the plat. Include limits of no access language in the covenants. Suggest creating a curve in the Yorktown approach so as to intersect 122nd Street north at nearly 90 degrees for safety purposes. Remove the word "general" from section I.A "general utility easements". The County Engineer will work out street issues with the developer.
3. **Sewer:** Out of service area for Tulsa. Septic systems are proposed.
4. **Water:** Well water is proposed. DEQ will have to approve of the well water usage.

5. **Storm Drainage:** No comment.
6. **Utilities: PSO:** Show existing easement per ALTA survey (especially along 122<sup>nd</sup> Street). The blanket easement will not be released unless there is a specific easement identified.
7. **Other: Fire:** Addresses must be identified and lots and blocks numbered correctly. The legal description needs to be corrected. Show date of preparation. Include PSO symbol in legend.

The proposed use of well water is of concern to staff, but if DEQ approves the wells, it is our understanding that this system can be used. To date, the questions about the oil wells, the injection pipe lines and the PSO easement have not been answered completely. At this time staff is unable to recommend approval of the plat unless the revisions are shown on the plat as requested. Staff recommends that this plat should return to TAC to make sure that there is water available to the plat.

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

1. None requested.

#### **Special Conditions:**

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

#### **Standard Conditions:**

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

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

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

**Applicant's Comments:**

**Robert Dunkel**, 1600 East 126<sup>th</sup> Street North, Skiatook, Oklahoma 74070, stated that he would be in agreement with the plat going back to TAC. He was out of town and was unaware of the water situation.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **RETURN** the preliminary plat for Indigo Run to the TAC for future consideration per staff recommendation.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

**Star Center 4 and Amended Plat of Retail Center**

(PD 26) (CD 2)

East of South Delaware Avenue, South of East 101<sup>st</sup>  
Street South

**STAFF RECOMMENDATION:**

This application is made to allow a change of access along East 101<sup>st</sup> Street South. The property is zoned CS. The proposal is to move existing accesses to the east.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **LEDFOORD**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the change of access on recorded plat for Star Center 4 and Amended Plat of Retail Center per staff recommendation.

\* \* \* \* \*

**REINSTATEMENT OF PLAT:**

**Utica Place – (9318)**

(PD-6) (CD-9)

1724 East 22<sup>nd</sup> Place (Related to Items 15 & 23)

**STAFF RECOMMENDATION:**

The applicant is requesting reinstatement of the Utica Place plat that was approved as a Preliminary Plat on September 3, 2003 by TMAPC and has since expired.

Staff is now aware of the fact that a new revised preliminary plat is expected to be submitted and recommends that the new preliminary plat be submitted and approved per the typical TAC and TMAPC processes. The plat is in PUD-680, which includes mixed use development.

### **TMAPC COMMENTS:**

Mr. Harmon asked staff if they are recommending not reinstating the plat and waiting for the new plat. In response, Mrs. Fernandez stated that she doesn't see any reason to reinstate a plat that will have some changes on it and the new preliminary plat has been submitted to staff.

### **Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing Utica Place, L.L.C., stated that he is trying to seek a foundation permit to allow construction to commence on part of the subject project. The change that has occurred is not material as to preliminary plat issues in terms of a foundation permit. The parking garage and office tower are now proposed for construction as one building and there is an underground parking level that will be underneath the office tower. It has been determined that one building would be appropriate. He assured the Planning Commission that the only thing being sought is a foundation permit in order to allow the developer to proceed with what is basically a forty-million-dollar project. There is a major tenant who has signed a lease and there is considerable importance and seriousness to the time schedule that the developer now faces.

Mr. Johnsen cited the background for the preliminary plat and the TAC reviews. He explained that at the first preliminary plat review the two buildings were separate. There are other changes being made, but they are not relevant because the only real issue is the foundation permit for the combined building. He commented that it is not unusual to reinstate a preliminary plat, and at the TAC meeting they had concerns about the accelerated permit due to the preliminary plat being expired. After the TAC meeting he met with Michael Skates and people in his office to further discuss this issue. After the meeting, it was his belief that Mr. Skates and his people did not have a technical objection to the accelerated building permit. However, Mr. Skates did mention that a preliminary plat should be submitted, but not before the issuance of the accelerated building permit. Mr. Johnsen explained that when a preliminary plat has been approved, the final plat doesn't go back to TAC, but the TAC members are involved with the development of the drainage, sewer and water plans, and other aspects of platting. It doesn't formally go back to TAC. He indicated that Mr. Skates was in agreement with issuing the accelerated building permit for the foundation. The preliminary plat was filed April 5, 2005 and he realizes that it should have been done earlier.

Mr. Johnsen stated that most accelerated building permits are started earlier than his client has. His client has had three reviews by TAC and the storm sewer plans, stormwater plans, and water plans are in and the comments are back, which none will be too difficult to resolve. Compared to normal circumstances, this property is farther along in building so that there is no real reason to hold it up for a foundation permit. He indicated that Mr. Skates sent an email to staff stating that he doesn't have any problems with granting an accelerated permit at



this time. Staff is concerned with the process and he understands those arguments. Mr. Skates was concerned about the process as well and wanted to make sure that a preliminary plat was done. As far as the technical reality of the subject building, it is well along and the technical people are satisfied that it can be done properly. There is a new preliminary plat in process and it incorporates all of the changes that are anticipated, but the timing of those things is critical. If the normal time schedule were followed strictly, it would be the first in week in May before an accelerated building permit could be issued. He believes that the Planning Commission has discretion on these things and by reinstating the preliminary plat, he would meet a technical requirement that such plat shall have been approved before a building permit issues. He commented that he will still have to have site plan approval and minor amendment for the mezzanine/height of the building. These changes do not change the building or foundation and don't change the technical considerations of where the permit should be issued. He stated that he is unaware of any incident where the City of Tulsa has granted an accelerated permit for foundation work and the plat not be done and recorded. The key is that the City of Tulsa is not at risk because this is only a foundation. The City of Tulsa can hold the balance of the development up if the final plat is not filed of record.

**TMAPC COMMENTS:**

Mr. Harmon stated that if the Planning Commission elected to reinstate the preliminary plat in order to give the accelerated building permit then the applicant's client would be taking a risk that the revised preliminary plat may not be approved. In response, Mr. Johnsen stated that the entire matter is at his client's risk.

Mr. Ledford asked Mr. Johnsen when the detail site plan would be before the Planning Commission. In response, Mr. Johnsen stated that it would be on the April 20<sup>th</sup> agenda. The Planning Commission has a very good system and staff is extremely careful during their review. This project is very complex and elevations had to be submitted and staff discovered the mezzanine, which made the building technically a ten-story building and necessitated a minor amendment. The minor amendment and the detail site plan will be on the same meeting. The earliest TAC meeting available is May 21<sup>st</sup> for the new preliminary plat. While this process is happening, his client would be able to proceed with construction in a timely way. Financing and crews are all in place and ready to go forward.

Mr. Ledford asked Mr. Johnsen to elaborate on what the foundation permit would include, such as piers for the building, piers for the parking garage, etc. In response, Mr. Johnsen stated that there would be piers and some retaining wall as part of the foundation because there would be excavation and it has to be done in sequence. The dirt can't fall in and he believes that this all part of the foundation as he understands it.

Mrs. Fernandez stated that on the accelerated building permit for the subject property, the project is under a PUD with mixed uses and it is complex. This is a good infill development project. The accelerated permits rely on having a preliminary plat approved and staff recommends that any approval of the accelerated permit include the condition that it be per the approved site plan and that the plat either be reinstated or the new preliminary plat go through the process and be approved at its first level. Staff informs the Planning Commission when there is a new plat forthcoming, and once staff became aware of a new plat, the original synopsis was changed. Staff does have the new preliminary plat, but Mrs. Fernandez is unable to tell the Planning Commission the exact changes because staff hasn't reviewed the preliminary plat that was delivered on Tuesday, April 5<sup>th</sup>.

Mr. Jackson asked Mr. Johnsen if he had a copy of his new preliminary plat. In response, Mr. Johnsen answered affirmatively.

Mr. Alberty stated that staff has placed on the screen the preliminary plat that the applicant would like to reinstate.

Mr. Harmon asked staff if the developer is willing to take a risk if his new preliminary plat is not approved.

Mr. Alberty stated that the problems are more complex than if the applicant is willing to risk of his preliminary plat not being approved. The process that is established is that under a PUD, the applicant obtains approval for a project. Typically that would start things in motion with regard to platting and details. Normally staff receives a detailed plan (approved) prior to the platting. In a complex project, especially one of this nature, the original engineer is no longer involved in the project; the original architect is no longer involved either. Until there is a site plan that is approved, the plat should follow the approved site plan. What staff is concerned about is that there is an established process, an avenue for relief and that relief is after a preliminary site plan has been approved. Then one can request an accelerated building permit. The assumption is that everything is going to be complied with. The reinstatement of this plat is done solely to meet the technical conditions, but staff has the knowledge that the plat is going to be amended and the project is going to be modified. Staff is process people and not technical people. Only after the plat goes back through the TAC meetings can staff tell the Planning Commission what changes are being made. There are considerable changes on the two-dimensional plat. This is a risk that staff is not willing to authorize. In effect, what is being asked is to grant relief.

Mr. Johnsen stated the new preliminary plat has not really changed the technical considerations. The technical people are satisfied with the technical side. Mr. Johnsen corrected his earlier statement by stating that the foundation permit would be for slab and piling only. He understands staff's concerns that this is relief from relief, but the public objective was to get the property platted. There is

nothing to indicate that it is not going to happen. The utility plans are in and now in the second markup stage. There is not risk to the City of Tulsa and this is a great project that needs to move forward.

Mr. Ledford asked Mr. Johnsen if the developer is going to excavate for the basement level, then drill the piers and pour the slab for the basement level. No vertical supports are going up at this time. In response, Mr. Johnsen agreed.

#### **INTERESTED PARTIES:**

**Greg Jennings**, 2260 South Troost, Tulsa, Oklahoma 74114, stated that he is extremely conflicted with the project and the process. He agrees that this is an exception to an exception and one of the reasons for the accelerated permit was to give some relief to all of the people who are trying to get plat waivers. It appeared to him that the developer wanted the permit in order to build the entire Phase I, which he would have a problem with because they have not met all of the technical requirements. If the developer is amending that request and asking for some relief to move dirt and placing piers solely at their own risk, then he doesn't have much of a problem with it. He commented that he does have a problem with the process. If this is allowed today, who will be next asking the Planning Commission to grant somebody else relief. He suggested that if this is granted, that it be done with stipulations that it is under extraordinary circumstances and an extreme exception to the rule. Every lawyer and architect will be right behind this developer asking for the same thing, whether they have the same circumstances or not.

#### **TMAPC COMMENTS:**

Mr. Jackson asked if this request would go to the City Council. In response, Mr. Alberty answered negatively.

Ms. Bayles asked Mr. Alberty if he could give his recommendation on this in terms what the Planning Commission knows to be granting relief.

Mr. Alberty stated that in order to address what Ms. Bayles just requested based on the information that has been submitted today, he would say, yes the risk is entirely upon the developer. However, once the Planning Commission grants this relief, it gives the developer an edge with the Public Works Department to use as leverage. He is not saying this in any adverse way, but just stating that this is the reality of it. He can't tell the Planning Commission, from his position, that what is being done will materially affect anything with the newly-filed preliminary plat. It may be exactly in order without any question, but staff does not have access to that knowledge to tell. Without the new preliminary plat going through the TAC meeting, there is no one who can tell the Planning Commission the effects and changes. Obviously, the applicant's engineer has assured the developer that there is nothing that is going to change, but until it goes through the process there is no way to know that.

Mr. Boulden stated that there is no provision in the Subdivision Regulations that allows the reinstatement of a plat. The current Subdivision Regulations state that if it is not at final plat within one year, it is null and void. He believes that the Planning Commission would have to waive the Subdivision Regulations in order to reinstate the preliminary plat.

Mr. Ledford stated that the Subdivision Committee decided that the issue is that a lot of plats should be reinstated automatically and that is what the new Subdivision Regulations is recommending. Unless there is some reason why it shouldn't be reinstated automatically it would be automatically extended. If that process were in effect now, this plat would not have lapsed. There would still be preliminary plat approval on the previous engineer. In these times where the City of Tulsa is trying to get projects in Tulsa moving again, in the political environment we are in of no growth, it is a struggle for everyone. He concluded that had the Planning Commission approved the Subdivision Regulations a month ago, it would state that the reinstatement of a preliminary plat would be automatic for at least one year.

Mr. Boulden stated that the Subdivision Regulations provide that if the Planning Commission staff determines that reinstatement is possible if substantial progress has been made. Under the current regulations the Planning Commission has no authority to reinstate the preliminary plat unless the Subdivision Regulations are waived.

Mr. Harmon stated that this is a tough one and he has the highest regard for staff's recommendation. Nothing is ever as simple as it seems and to him this is a project that is worthy of moving ahead. He would be in favor of waiving the Subdivision Regulations and reinstating the preliminary plat to allow the accelerated building permit for the foundation. The risk is on the developer and he is inclined to think it is appropriate to reinstate the plat.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-1-0** (Ard, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; Bayles "nays"; none "abstaining"; Midget "absent") to **APPROVE** the waiver of the Subdivision Regulations to reinstate the preliminary plat for Utica Place.

**RELATED ITEM:**

**AUTHORIZATION FOR ACCELERATED BUILDING PERMIT:**

**Utica Place** – (9312)

(PD 6) (CD 9)

1724 East 22<sup>nd</sup> Place (Related to Items 14 & 23).

**STAFF RECOMMENDATION:**

This request is for an accelerated building permit in the Utica Place Addition. The applicant states, "This is a multiphase infill development with mixed uses. The nine-story mixed use building is the first phase and is the permit requested with this application. The small office building and nine residential homes, Phases II and III, respectively, are still being designed. Exact easement and lot line locations are not known at this time. This information will be determined, and the plat filed while the first phase building is under construction and prior to issuance of the full building permit for phase I."

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations.

The preliminary plat was approved on September 3, 2003 by TMAPC. The accelerated permit can be considered if the preliminary plat has been approved, but the plat needs to be reinstated as it has technically expired.

The Technical Advisory Committee expressed concerns about the complexity of the project and release of an accelerated permit on the plat (which has changed engineers). Staff cannot recommend approval of the accelerated building permit until a preliminary plat is reinstated, as the existing plat is expired and may be changed, and a detail site plan is approved. Any approval of this accelerated permit should include the condition that it be per the approved site plan and per the approved plat after it has been reinstated. Public Works requires sanitary sewer plans, waterline plans and PFPI plans, as well as a building permit application.

Staff is now aware of the fact that a new revised preliminary plat is expected to be submitted and recommends that the new preliminary plat be approved by TMAPC as is required for all accelerated building permits per the Subdivision Regulations.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-1-0** (Ard, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford "aye"; Bayles "nays"; none "abstaining"; Midget "absent") to **APPROVE** the authorization for accelerated building permit for foundation to excavate down to an elevation for the basement level, drill piers and pour slab for the basement level, no vertical supports shall be allowed at this time as modified by the Planning Commission.

\* \* \* \* \*

**Commissioner Dick out at 3:00 p.m.**

## **SUBDIVISION REGULATIONS PUBLIC HEARING**

**Review and Consider Proposed Amendments to the Subdivision Regulations and Resolution 2408:870 Adopting Same.**

### **STAFF RECOMMENDATION:**

Mrs. Fernandez stated that this item has been discussed at a worksession and she reviewed all of the changes previously. She indicated that she would be hitting all of the highlights in each chapter and described the process that has been ongoing for seven months.

Mrs. Fernandez stated that the process has been lengthy, but there has been good help from professional and articulate volunteers and she appreciates their input and time.

### **TMAPC COMMENTS:**

Ms. Bayles thanked Mrs. Fernandez and Mr. Alberty for their time and efforts on this project. She also thanked all of the volunteers who spent time on this project.

### **INTERESTED PARTIES:**

**Paul Gallahar**, City of Tulsa Fire Marshal, 411 South Frankfort Avenue, Tulsa, Oklahoma 74120, stated that there has been a series of meetings and have reached a point where there is an agreement.

Mr. Gallahar commented that from the Fire Department's perspective, he is looking for additional information that would require that the road curbing be utilized when possible on the smaller cul-de-sacs. He believes that he will be able to reach a point where this can be integrated into the existing language before the Planning Commission today.

Mr. Gallahar thanked the other gentlemen who have been involved in the process to this point.

**Mr. Harmon out at 3:24 p.m.**

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is here before the Planning Commission as a member of the Subdivision Regulations Committee. He further stated that he wanted to make sure the Planning Commission is aware of the concept that several groups has worked on with the Fire Marshal and the Chief of Police. There is still some wordsmithing to do on the cul-de-sac language, but no changes have been made. Mr. Norman pointed out the compromises that have been made and the language that should be worked on.

Mr. Norman stated that an effective date should be discussed regarding when the amended Subdivision Regulations would be actually applicable.

Mr. Boulden stated that he doesn't recall any statutory provisions on an effective date. It is a combination of what works out administratively and when does planning staff want to start relying on these. There should be an effective date that can be communicated with the public so that they know when the changes are in effect to rely on them as well.

Mr. Norman had several questions about various sections of the proposed amendments. He questioned the definition of a lot-split. He explained that the definition talks about the effective date of appropriate State statute. It should refer to the effective date of the appropriate statute or ordinance. He explained that the Planning Commission was first instituted in 1955 and the present Zoning Code was adopted in 1970. There were several lot-splits already performed prior to the Zoning Code and some properties or parcels may become nonconforming. He feels that the definition should be expanded to be more inclusive.

Mr. Boulden stated that Mr. Norman's specificity is a better idea regarding the effective date regarding lot-splits.

Mr. Norman stated that rather than the language stating per "effective", it should state "...not separately owned as of the effective date of the applicable State statute or ordinance." He further stated that the minimum size of lot in an RE district, was designated after 1970, and therefore it creates some lots in the RE district that are nonconforming. A lot-split is governed by when it happened relative to the ordinance and not to the relative date of the original TMAPC act. Mr. Boulden agreed that it would be a good change.

Mr. Norman thanked everyone who worked on the Subdivision Regulations committee, particularly the efforts of the Fire Marshal and the Fire Department for working with everyone to establish some acceptable standards for the length of cul-de-sacs.

**Ted Sack**, 111 S. Elgin, Tulsa, Oklahoma 74120, stated that there have been several versions of the language floating around as of the lunch hour today. There were a couple of wordsmithing items that did happen and just to make it clear, he will email to Diane Fernandez and Wayne Alberty the final version.

Mr. Sack thanked the Fire Marshal and Fire Chief, the Homebuilders Association and all of the people who worked very hard to get this language on cul-de-sacs resolved. He commended Mrs. Fernandez for all of her hard work on the Subdivision Regulations and keeping everyone focused on the lengthy process.

Ms. Bayles asked Mr. Sack if his comments were specifically referenced to Section 4.2.7 to make sure everyone is dealing with the same language on cul-de-sacs that is shown on the bottom of the page of Section 4, page 4, per the last addition draft 3/30/05. In response, Mr. Sack answered affirmatively.

Ms. Bayles closed the public hearing.

Ms. Bayles asked Mr. Alberty if he could address the effective date issues.

Mr. Alberty stated that once the public hearing is closed, the Planning Commission can vote to accept the draft as it is presented and a resolution has been prepared. The resolution refers to an Exhibit A and obviously the draft is not in final form. There are two ways to approach this: 1) approve the draft and instruct the staff to put the document into it and return with final form and the resolution at that time; or 2) close the public hearing today, approve the draft along with the changes suggested and agreed upon at today's meeting and instruct the staff to put in final form and instruct the chairman to date the resolution when it is in final form.

Mr. Boulden stated that, given the changes that were discussed today and the fact that there may be a little more movement, he would prefer that the final draft be brought back to the Planning Commission and let it be passed and have a resolution that would state the effective date that the Subdivision Regulations will go into effect.

Mr. Ledford stated that one of the problems that the Planning Commission would have is that there are current projects going through the process and would still be processed under the old criteria. All of the new projects or new plats would be processed based on the effective date of the Subdivision Regulations.

Mr. Boulden stated that in wording the effective date of the Subdivision Regulations, a statement could be made as to whether it applies to applications already in process or applications after a date specific. Mr. Boulden concluded that the changes could be retroactive if the Planning Commission wishes, but it might be problematic.

Mr. Carnes stated that he recommends that the draft be sent back to staff for the final draft and at that time have an effective date. He further stated that he feels it would complicate it more if the Planning Commission did anything more than give a date for it today.

Mr. Boulden asked Mr. Carnes if he wanted the Planning Commission to select a date that is appropriate for them to change to the new regulations. In response, Mr. Carnes answered affirmatively.

Mr. Ledford stated that the timing is the problem because of the cutoff dates on the new plats. Whether a date is selected today or at a later date, it will catch people preparing their plats the old way and being judged by the new regulations. There is no way to prevent this from happening, so it doesn't really matter what the effective date is.



**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Harmon, Midget "absent") to **APPROVE** the draft of 3/30/05 and send it back to staff for final draft and a final hearing as well as setting an effective date and resolution stating the effective date.

Mr. Norman asked the Planning Commission if they wanted to discuss the County issue of 20 or 40 acres for private streets.

Mr. Ledford stated that the Planning Commission could ask staff to review that issue during the timeframe that this is being sent back.

Mr. Alberty stated that it was discussed during committee and it was changed from "shall" to "should" and left it the way it is. He further stated that he believes Mr. Norman wanted them both to be consistent, but there was a compromise with the wording.

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## **ZONING PUBLIC HEARING**

**Application No.:** CZ-356

**AG to RE**

**Applicant:** J. R. Donelson/Redberry, LLC      County

**Location:** West of northwest corner of East 156<sup>th</sup> Street North and North Lewis

### **STAFF RECOMMENDATION:**

There has been no action in this area.

### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 63 acres in size; it is located on the north side of East 156<sup>th</sup> Street North and west of North Lewis Avenue. The property is rolling hills, partially-wooded, vacant and zoned AG.

### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 156 <sup>th</sup> Street North	Secondary arterial	100'	2 lanes

**UTILITIES:** Washington County Rural Water District 3 serves this area with water and sewer would be by septic or lagoons.

**SURROUNDING AREA:**

The property is abutting vacant land on the north, east and west, zoned AG, and to the south by single-family dwellings, zoned RS-1 within the city limits of Skiatook.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Under provisions of the Metropolitan Area Development Guidelines, this area is not within a potential medium intensity node and would therefore be classified as low intensity. The requested RE zoning **is** in accord with the Zoning Matrix.

**STAFF RECOMMENDATION:**

Based on the Development Guidelines and surrounding development staff can support the requested rezoning and recommends **APPROVAL** of RE zoning for CZ-356.

**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 **CARNES**, TMAPC voted 7-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Harmon, Midget "absent") to recommend **APPROVAL** of RE zoning for CZ-356 per staff recommendation.

**Legal Description for CZ-356:**

A tract of land situated in the SE/4 of Section 18, T-22-N, R-13-E, IBM, Tulsa County, State of Oklahoma according to the U. S. government survey thereof, being more particularly described as follows, to-wit: Commencing at the Southeast corner of said Section 18, thence S 88°48'07" W and along the South line of said Section 18 for 500.00' to the Point of Beginning thence continuing S 88°48'07" W and along the South line of said Section 18 for 2,134.78' to the Southwest corner of the SE/4 of Section 18; thence N 01°25'25" W for 1,323.35' to the Northwest corner of the SW/4 of the SE/4 Section 18, thence N 88°49'27" E for 2,035.37'; thence S 01°23'53" E for 330.00'; thence S 25°46'21" E for 387.69'; thence S 01°23'53" E for 640.00' to the Point of Beginning and containing 62.98 acres more or less and located west of the northwest corner East 156<sup>th</sup> Street North and North Lewis Avenue, Skiatook, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-Family, Estate District).**

\* \* \* \* \*

**Application No.: Z-6984**

**IM to CBD**

**Applicant:** Robert Buss/Voice System Technology (PD-1) (CD-4)

**Location:** 621 East 4<sup>th</sup> Street

**STAFF RECOMMENDATION:**

**Z-6890 May 2003:** All concurred in approval of a request to rezone a lot located on the northwest corner of East 3<sup>rd</sup> Street and South Lansing Avenue from IM to CBD for industrial and residential use.

**Z-6779 August 2000:** A request to rezone an acre tract located south and west of the southwest corner of East Archer Street and South Elgin Avenue from IL to CBD. All concurred in approval of CBD zoning.

**Z-6754 April 2000:** All concurred in approval of a request to rezone a lot located on the southwest corner of East 7<sup>th</sup> Street and South Kenosha Avenue from IM to CBD for office use.

**Z-6695 June 1999:** Approval was granted for a request to rezone a lot located on the southwest corner of East 1<sup>st</sup> Street and South Detroit Avenue from IL to CBD.

**Z-6560 November 1996:** A request to rezone the lot located on the northwest corner of East 3<sup>rd</sup> Street and South Lansing Avenue from IM to CBD was withdrawn by the applicant due to complications with a sales contract with the future developer.

**Z-6242 April 1989:** All concurred in approval of a request to rezone a tract located between Kenosha and Lansing Avenues on the south side of East 1<sup>st</sup> Street from IM to CBD.

On April 20, 2005, the TMAPC will sponsor a public hearing to rezone many or all properties within three areas in the downtown to CBD zoning. This site lies within one of the areas.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately half an acre in size; the property is flat, non-wooded, contains offices and a warehouse and is zoned IM.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East 4 <sup>th</sup> Street	Commercial collector	80'	2 lanes

South Kenosha Avenue      Commercial collector      60'      2 lanes

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

**SURROUNDING AREA:**

The property is abutted on the east by a major PSO/AEP installation and a graphic design firm, zoned CBD; on the west by mixed industrial/office uses, zoned IM; on the north by mixed industrial/office uses, zoned IM; and on the south by industrial uses, zoned IM.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 1 Detail Plan designates this area as in the Downtown East Complex Identity Area. Plan policies (Section 3.12) encourage office and service uses to relocate or remain in this area. District 1 Plan policies support future rezoning for all or most of the properties within the CBD to be (re)zoned to CBD. This request is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Staff supports the requested rezoning, finding it in accord with the District 1 Plan and with trends in the area. Staff recommends **APPROVAL** of CBD zoning for Z-6984.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HILL**, TMAPC voted 7-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Harmon, Midget "absent") to recommend **APPROVAL** of CBD zoning for Z-6984 per staff recommendation.

**Legal Description for Z-6984:**

Lot 1 and 2, Block 113, Original Townsite Addition, an addition in the City of Tulsa, Tulsa, County, Oklahoma, and located at 621 East 4<sup>th</sup> Street, Tulsa, Oklahoma, **From** IM (Industrial Moderate District) **To** CBD (Central Business District).

\* \* \* \* \*

**Application No.:** PUD-707-1

**MINOR AMENDMENT**

**Applicant:** Randall Pickard

(PD-26) (CD-8)

**Location:** West of northwest corner of East 111<sup>th</sup> Street and South Memorial

**STAFF RECOMMENDATION:**

This application is to increase the total number of lots from 28 to 38, the maximum number of dwelling units from 71 to 78 (a 9% increase), and to decrease the minimum lot widths from 60' to 50' and the minimum lot area from 6900 square feet to 5000 square feet (from RS-3 density to RS-4 density). Allowed uses will include single-family homes in a patio-home style. The only Development Area affected among the four in the PUD is Development Area B, which was approved for duplex use (which allows single-family residential uses), and changes do not substantially alter the spirit and intent of the approved PUD-707. Staff recommends **APPROVAL** of PUD-707-1 subject to the following provisions.

1. The applicant's Development Standards, Plan and Text, as outlined below, be made a condition of approval, unless modified herein.
2. Development Standards – Area B (Duplex Use) Ravens Crossing

**Land Area:**

- Gross 8.971 acres 390,781 SF
- Net of detention 6.904 acres 300,781 SF

**Permitted Uses:**

Residential duplex dwellings, single-family dwellings, all accessory uses permitted by right for all R districts in Section 402.A of the City of Tulsa Zoning Code, and stormwater detention for the entire PUD.

Minimum Lot Width: 50 FT

Minimum Lot Area: 5,000 SF

Maximum Number of Duplex Units: 78 units  
390,781 SF divided by the minimum land area per dwelling unit (4,200 SF) per Zoning Code Section 1104.A.1 equals 93 units.

Maximum Building Height: 35 FT

Livability Space per Dwelling Unit: 2,000 SF  
Livability space is the open space on a lot that is not allocated to or used for off-street parking or loading areas or for paved access to the off-street or loading area.

Minimum Building Setbacks (from the lot line)\*

- Front yard 20 FT
- Rear yard 20 FT
- Side yards (each) 5 FT

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

\*Setbacks may be modified in the approved plat and restrictive covenants.

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

**INTERESTED PARTIES:**

**Allen Carlton**, 10770 South 77<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133, stated that he is in agreement with the staff recommendation with one reservation. The minimum residence per lot for Area B is 2,000 SF and by shifting the type of residence it might permit a downsizing of residence to 1700 SF. He requested that the residence size remain at 2,000 SF.

Ms. Bayles informed Mr. Carlton that the Planning Commission has no authority to do as he has requested.

Ms. Matthews stated that she believes that Mr. Carlton is concerned about the livability space and it is remaining at 2,000 SF.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Harmon, Midget "absent") to **APPROVE** the minor amendment for PUD-707-1 per staff recommendation.

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**Application No.: PUD-673-1**

**MINOR AMENDMENT**

**Applicant:** Sack & Associates

(County)

**Location:** 15635 North 102<sup>nd</sup> East Avenue

**STAFF RECOMMENDATION:**

This application is to allow a lot-split of Lot 15 into two parcels (Tracts A and B) and tying each of the resulting tracts onto the adjacent parcels. Tract A would thus be tied to Lot 14 and Tract B, to Lot 16. Staff can support this proposed minor amendment, finding that it will not materially affect the spirit and intent of the approved PUD, and will reduce overall density in the proposed development. Therefore, staff recommends **APPROVAL** of PUD-673-1.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 7-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Harmon, Midget "absent") to **APPROVE** the minor amendment for PUD-673-1 per staff recommendation.

\* \* \* \* \*

**Application No.: PUD-578-A-2**

**MINOR AMENDMENT**

**Applicant:** Charles Norman

(PD-26) (CD-8)

**Location:** Northwest corner of East 111<sup>th</sup> and South Memorial

**STAFF RECOMMENDATION:**

This application proposes to reallocate building floor areas to Lots 1 and 2, reduce the minimum building setback for the east 260' of the Lot 1 boundary from the centerline of East 111<sup>th</sup> Street to allow for a fuel facility, reduce the minimum building setback from the west boundary of Lot 1 in recognition of City of Tulsa stormwater discharge land in conjunction with a regional stormwater detention facility, reduce the required landscaped area for the west boundary and relocate and modify required landscaping, establish a landscaping requirement for the west 15' of the north 250' of Lot 2, reduce the building setback from the north boundary of Lots 1 and 2, and delete the screening fence requirement for the

south 600' of the west boundary of Lot 1. It also proposes to relocate the required screening fence and to permit construction of masonry enclosures for trash compactors.

The original PUD anticipated that the former Bartmann property adjacent to this property on the west would be developed in single-family residential uses, hence the amount of required landscaping and setbacks. However, that property is now developing as Ravens Crossing office park and residential use. The original plan proposed a stormwater detention facility adjacent to East 111<sup>th</sup> Street at the southwest corner of the property. With the change in use adjacent to this PUD, a regional stormwater detention facility is now proposed under a PFPI, and Wal-Mart will dedicate land at the northwest corner of the property, with a 20' wide strip along the west boundary of Lot 1 for this purpose (see Exhibit A, Development Standards, for more details).

Staff can support the request for this minor amendment and recommends **APPROVAL** of PUD-578-A-2, finding that it is harmonious with existing development and in the spirit of the adopted PUD-578-A, under the following conditions.

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

2. Development Standards:

Exhibit A

- a) The allocation of 231,000 square feet of building floor area to Lot 1 and 55,000 square feet of building floor area to Lot 2;
- b) A reduction in the minimum building setback from the centerline of East 111th Street for the east 260 feet of the Lot 1 boundary along East 111th Street from 150 feet to 90 feet for the fuel facility building as shown on Exhibit C hereto;
- c) A reduction in the minimum building setback from the west boundaries of Lot 1 from 125 feet to 105 feet to recognize the dedication to the City of Tulsa of the stormwater discharge land from the regional stormwater detention facility to East 111th Street;
- d) A reduction of the required landscaped area for the west boundary of Lot 1 from 75 feet to 50 feet (adjacent to the office park, residential area and detention facility within the Ravens Crossing, PUD No. 707);
- e) The relocation and modification of the landscape requirement for the north 455 feet of the west boundary of Lot 1 and for the west



282 feet of the north boundary of the PUD 578-A to the north boundary of Lot 1 as platted (223 feet) and reduce the width of the landscape requirement from 35 feet to 15 feet;

- f) Establish a landscape requirement for the west 15 feet of the north 250 feet of Lot 2 adjacent to the regional stormwater detention facility;
- g) Reduce the building setback from the north boundary of Lot 1 and Lot 2 from 50 feet to 35 feet;
- h) Delete the screening fence requirement for the south 600 feet of the west boundary of Lot 1 (adjacent to the office park area within Ravens Crossing, PUD No. 707);
- i) Relocate the screening fence required for the remainder of the west and north boundaries of PUD 578-A to the west and north boundaries of Lot 1 as platted and require a screening fence along the west boundary of Lot 2 (adjacent to the east and south boundaries of the regional stormwater detention facility);
- j) Permit the construction of a masonry enclosure, approximately 12 feet by 90 feet, within the landscaped area along the west boundary of Lot 1 for compressed inorganic boxes, containers and loading pallets until removed by pick up vehicles as shown on Exhibit C hereto;
- k) For the purposes of calculating the landscaping required under Section 1002 of the Tulsa Zoning Code the East 111th Street, street yard shall be considered as 50 feet from the north right-of-way line of East 111th Street;

All as indicated on Exhibit C attached hereto.

In support of the requested minor amendments, the owners of Lots 1 and 2 state:

The proposed allocation of building floor area between Lots 1 and 2 was established as follows:

Maximum building floor areas permitted in PUD 578-A	310,000 SF
Previously allocated by plat:	
Citizens Bank at Southern Crossing	9,200 SF
Braums at Southern Crossing	7,500 SF
Heartland Venture II	7,000 SF

Lot 1 - Wal-Mart  
Lot 2

231,500 SF  
55,000 SF  
310,000 SF

TOTAL:

The adjustment of the building setbacks and landscaped area locations are each occasioned by the design and location of the regional stormwater detention facility and its discharge structure;

The reduction of the building setback to the north boundary of Lot 1 will allow sufficient area for access to the rear of the proposed retail buildings and will not change the landscaped and screening requirement along the north boundary of Lot 1 adjacent to the area planned for noncommercial uses.

3. Landscaping and screening shall be in accord with standards set forth above.
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 the property, in accord with the above-stated standards, 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 (or will be installed at the proper time) in accordance with the approved landscape plan for the property, prior to the 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 the PUD property 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 as originally approved.

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 the property have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
11. Access and circulation shall be provided as delineated in the approved PUD-578-A development standards. All curbs, gutters, base and paving materials used shall be of a quality and thickness that meet 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 that are approved by the TMAPC.
14. Approval of the PUD minor amendment 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 onsite storage within the PUD.

**APPLICANT'S COMMENTS:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that since this PUD was last approved the Bartmann property, immediately to the west, was a horse farm and training academy and has since been approved for a combination of an office park and residential. Upon the urging of the Department of Public Works, he has worked on a regional or sub-regional detention facility. The original detention facility was to be south of the main building near 11<sup>th</sup> Street, which would have resulted in a detention facility on property that would serve Avalon Park to the north and Ravens Crossing would have a separate detention facility and Wal-Mart would have had another detention facility. For six months he has been working with the Department of Public Works to design a detention facility that will serve all of the property except for the property of Mr. Carlton, who has 47 acres. All three property owners are dedicating land to the City of Tulsa, which was in the Wal-Mart portion within the PUD. The PUD has been changed. The plat to delete the corner property that is being dedicated by

Wal-Mart to the City of Tulsa, Ravens Crossing, they will dedicate their tract and Schermerhorn/Perkins will dedicate their property. There is an outfall structure that goes all the way to 111<sup>th</sup> Street that is 20 feet wide and it is being dedicated to the City of Tulsa as well. The access road for service and maintenance will have an easement on the plat to allow City vehicles into the subject area and the service road around the facility over the paved portion behind the Wal-Mart store. By doing this, he is requesting adjustments in the setback lines that were measured from 20 feet farther west and reducing those from 125 feet to 105 feet.

Mr. Norman cited the additional changes requested, which are included in the staff recommendation.

Mr. Norman explained that the original PUD had some additional landscaping at the request of Mr. Carlton, but it is no longer possible with the detention facility. The landscaping that will be installed on the Wal-Mart tract will be part of the detail site and landscape plan that will be coming to the Planning Commission shortly if the minor amendment is approved. One of the requirements of the PUD that he will abide by is that the new landscape plan, in the Wal-Mart property, will be submitted to Mr. Carlton and he will be notified of the hearing date for the review. When Lot 2 is developed there will be additional landscaping that is required.

Mr. Norman concluded that all of the minor amendments are brought about by the concept of a regional detention facility. Mr. Carlton's property drains into the subject area and he was asked to participate and dedicate a corner; which he chose not do.

#### **INTERESTED PARTIES:**

**Allen Carlton**, 10770 South 77<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133, stated that his concern is primarily the light-spill issue from the subject PUD. He is very sensitive to it because when the Jacob's Golf Center approved by this Planning Commission 15 to 18 years ago, the light-spill was sufficient for him to read a newspaper in his living room.

Mr. Carlton cited the landscaping and screening that he agreed to with Wal-Mart with their original PUD. Now this agreement is changing due to the regional detention facility, which the City of Tulsa urged the property owners to participate and it makes sense. However, he does not choose to do any development at this time and decided to not participate in the detention facility.

Mr. Carlton fears that approval of the minor amendment will move this project along and he will not have the opportunity to voice his concerns in conjunction with the landscaping planning. The detention facility alteration is going to require some alteration in the landscaping he agreed upon with Wal-Mart. He described Wal-Mart's proposal for the boundaries and the fact that Wal-Mart is decreasing

the number of trees to 56, which he does not believe is sufficient to prevent the light-spill from the subject property.

Mr. Carlton stated that there are additional changes that have not been discussed, but will be on the landscape plan at a later date. The main concern with the changes is that there would be more light escape than what he agreed to four years ago. He requested that the Planning Commission recognize the spirit of the agreement that he made in 2001 and preserve the spirit of it, even though it will be necessary to modify the detail around the detention facility. Everyone's problem could be solved if Stormwater Management would allow light-blocking trees to be planted in the detention facility, which most cities do but the City of Tulsa will not.

**TMAPC COMMENTS:**

Mr. Jackson asked staff if the PUD would use the Kennebunkport formula for shielded lighting to protect the residents nearby. In response, Ms. Matthews answered affirmatively.

Mr. Carlton asked if there would be room for further adjustment if it is found that there is excessive light spill. In response, Mr. Alberty stated he is not technically versed with all of the details. Mr. Alberty further stated that there cannot be any light-spill outside of the subject property for a person standing at the edge of a property. A person should not see any light from the adjoining property spilling over. It does not address the glare. Also the light element is not supposed to be seen. He explained that Mr. Carlton should be able to look from the edge of his property and look at the Wal-Mart lighting and not see a light element.

Mr. Carlton stated that he understands what Mr. Alberty is saying, but to think that there won't be a measurable amount of light-spill is unrealistic. In response, Mr. Alberty stated that it is possible and that is the reason why the glare is not measured because everyone realizes that there will be a certain amount of glare.

**APPLICANT'S REBUTTAL:**

Mr. Norman stated that Mr. Carlton's residence is approximately 1,000 feet away from the beginning of the detention facility and possibly 600 feet north of the Ravens Crossing, which will now be single-family development. When the PUD was presented in 2001, there was no restriction on where commercial buildings could be located except on the 125-foot setback from the west boundary and a 50-foot setback from the north boundary, which is the Champions Athletic facility that was present at the time.

Mr. Norman explained that one of the reasons Mr. Carlton gave for denying this opportunity was that it is fairly heavily wooded. There are existing trees in the subject area that accomplish the visual barrier that was contemplated four years ago. The northwest corner, which was where the agreement was reached in 2001, has now completely eliminated any possibility of any buildings being

constructed in that area. From Mr. Carlton's perspective, the nearest building is now over 330 feet away. The trade-off is no buildings in the corner and the area will be landscaped. It is not appropriate to plant a double row of trees in 35 feet. The changed conditions resulted in greater separation from Mr. Carlton's residence to the nearest building from what could have occurred in the original PUD. He commented that he is not attempting to avoid that spirit of the original agreement and he will return with a landscape plan.

Mr. Norman stated that in respect to the light, the original PUD prohibited any lights in the west 100 feet of the subject property and that is still in affect.

Mr. Carnes asked Mr. Norman if he is willing to stay within the spirit of the landscaping. In response, Mr. Norman stated that it was a very detailed landscaping plan with a double row of pines. Mr. Carnes stated that was not his question. The question was that Mr. Norman made a statement that he wanted to stay within the spirit of the landscaping and he is asking if it is a true statement. In response, Mr. Norman answered affirmatively. Mr. Norman stated that he would be returning with a detail landscape plan for the subject area, which is being replaced for what would have gone across the original area. It may not have the exact count of trees that Mr. Carlton is asking for, but it will be a significant amount with the addition of a screening fence on the outside. Mr. Carlton will have the benefit of additional separation distance to the nearest building and there will be landscaping presented to him and to the Planning Commission in the next few weeks.

Mr. Norman reminded the Planning Commission that in 2001 the Kennebunkport formula was not applied; however, it will be applied to the final light standard and the detail site plan.

Mr. Carlton stated that he has the original plan that included a triple row of trees. One misstatement by Mr. Norman is that the 35-foot width now being shifted is now 17 feet in width. He commented that the distance from the light makes no difference with regard to light spill. He indicated that he was separated from the golf course approximately 1500 to 1800 feet from their lights and he could read the newspaper in his living room.

Mr. Norman stated that Mr. Carlton is correct that the original plan called for a triple row of trees in the very corner and that will not be possible in the reduced set back on the north side; however, it is still 35 feet in width.

Mr. Carnes stated that he could agree with the approval of the minor amendment relying Mr. Norman to stay within the concept of the landscaping which will return to the Planning Commission for final approval.

Mr. Ledford stated that he could second that with the comment that conditions have changed considerably. Now there will be more open space that would not have been there otherwise.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Ard, Bayles, Carnes, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Harmon, Midget "absent") to **APPROVE** the minor amendment for PUD-578-A-2 per staff recommendation.

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There being no further business, the Chair declared the meeting adjourned at 4:15 p.m.

Date Approved:

6-1-05

Harry M. Bayles

Chairman

ATTEST:

[Signature]

Secretary

