

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2414

Wednesday, June 1, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 26, 2005 at 4:10 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

Due to TGOV's technical difficulty the meeting was delayed.

After declaring a quorum present, Chair Bayles called the meeting to order at 1:43 p.m.

Minutes:

Approval of the minutes of April 6, 2005, Meeting No. 2408

On **MOTION** of **HILL** the TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the minutes of the meeting of April 6, 2005, Meeting No. 2408.

REPORTS:

Worksession Report:

Ms. Bayles reported that there is a worksession agenda posted today; however, it is being postponed to June 22, 2005.

Ms. Bayles stated that Ms. Hill will read the public hearing information relative to individuals wishing to speak today. Then the continued items will be addressed.

Ms. Hill read the public hearing information.

Ms. Bayles reported that there are three items on the agenda that have received a request for a continuance:

Item 4, A Safe Place Storage Center, requested a continuance to June 15, 2005.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **CONTINUE** the preliminary plat for A Safe Place Storage to June 15, 2005.

Item 6, Crestwood at the River, requested a continuance to June 15, 2005.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **CONTINUE** the preliminary plat for Crestwood at the River to June 15, 2005.

Item 12, PUD-694-A/Z-6916-SP-2, John W. Moody, requested a continuance to June 22, 2005.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **CONTINUE** the major amendment for PUD-694-A/Z-6916-SP-2 to June 22, 2005.

Item 11, Z-6987, Jeffrey Levinson, requested a continuance to June 22, 2005.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **CONTINUE** Z-6987 to June 22, 2005.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-19803 – James Ferris** (7436) (PD 20) (County)
Highway 64 on Wagoner County line, near Leonard
- L-19809 – Craig Diple** (2325) (PD 14) (County)
14148 North 86th East Avenue
- L-19814 – Tony Stevenson** (0404) (PD 15) (County)
6550 North 134th East Avenue
- L-19820 – Tommy Humphries** (2307) (PD 13) (County)
2122 East 168th Street North
- L-19822 – Tulsa Development Authority** (0225) (PD 2) (CD 1)
1904 North Madison
- L-19827 – R. L. Reynolds** (0227) (PD 11) (CD 1)
East of northeast corner West Pine Street & Union Avenue
- L-19830 – Robert Buss** (9201) (PD 1) (CD 2)
621 East 4th Street South
- L-19831 – Mike Marrara** (9323) (PD 18) (CD 5)
3415 South Sheridan
- L-19836 – Emmanuel Earls** (9227) (PD 9) (CD 2)
2028 West 43rd Street South
- L-19837 – Bob Vassar** (8305) (PD 18) (CD 9)
2983 East 69th Street South

L-19838 – Terry Liggans (9218) (PD 23) (County)

2644 South 67th West Avenue

L-19839 – Vernon Dillion (9204) (PD 10) (CD 1)

3722 West Admiral Boulevard

L-19840 – Guaranty Abstract Co. (9333) (PD 18) (CD 7)

5414 South Louisville

L-19845 – Warren G. Morris (8222) (PD 22) (County)

9747 South 33rd West Avenue

STAFF RECOMMENDATION:

These lot-splits are in order and staff recommends **APPROVAL**.

TMAPC Action; 8-0-0 members present:

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

FINAL PLAT:

The Gardens on Utica – (8306) (PD 18) (CD 9)

Southeast corner of East 67th Street and Utica Avenue

STAFF RECOMMENDATION:

This plat consists of eleven lots in three blocks on 2.76 acres.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the final plat for The Gardens on Utica per staff recommendation.

PRELIMINARY PLAT:

Redberry Hill – (2318)

(PD 13) (County)

West of the northwest corner of East 156th Street North and Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of 21 lots, two blocks, on 62.71 acres.

The following issues were discussed May 19, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG with RE zoning pending. There was discussion about the proposed panhandle lot with property outside of the proposed subdivision and whether this needed to be a standard street width.
2. **Streets:** The centerline radius of the street alignment at curve page is 110 feet, which exceeds the Subdivision Regulations minimum of 125 feet. Sidewalks are recommended on all streets. Suggest redesigning the intersection of North 21st East Avenue to intersect near 90 degrees. Evaluate sight distance from the proposed access for Lot 11 onto the arterial. Review site distance for driveway on 111th.
3. **Sewer:** No comment.
4. **Water:** Rural Water District # 3 will provide water. The water district needs 20-foot easements.
5. **Storm Drainage:** Site receives offsite drainage; plat needs to show overland drainage easements and stormwater detention easements. Need to include standard language for easements. Show overland drainage.
6. **Utilities:** Okay.

7. **Other: Fire:** Please provide scale for location map. Include point of beginning in legal description. Provide scale, written and graphic. There should be four blocks instead of two. Check Lot 7 for building line of 125 feet. Complete location map. Move contour lines to conceptual map. Final plat will need to show street addresses and sizes (square footages/acreages) for each lot.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction, especially the access issues for the development.

Standard Conditions:

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

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

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

Mrs. Fernandez informed the Planning Commission that there have been two written protests to the subdivision plat by Laura Frossard and Don and Carol Carter.

Mrs. Fernandez stated that there is a question about the northeast corner of the plat on the proposed subdivision, which had a 30-foot access to the property to the east. She understands that the applicant is agreeing to increase the access to 60 feet in case there is a need for a 60-foot street right-of-way for the developing property to the east in the future, which staff recommends.

TMAPC COMMENTS:

Ms. Bayles asked Legal if there are any questions regarding the addendum to the agenda. In response, Mr. Boulden stated that he has received a copy of the summons and the lawsuit that has been filed by Laura Frossard against the Board of County Commissioners and the Tulsa Metropolitan Area Planning Commission, etc. The litigation is for a temporary injunction to prevent the Board of County Commissioners from acting on the recommendation of the Planning Commission. Mr. Boulden stated that he doesn't have any information that reflects a temporary restraining order or injunction that has been issued. The way this action appears, it doesn't actually appear to restrain the Planning Commission or intend to, but to only restraint the BOCC. Mr. Boulden advised the Planning Commission that they could proceed with the subject plat.

INTERESTED PARTIES:

Laura Frossard, 4971 East 26th Street, Tulsa, Oklahoma 74114, stated that she is the trustee of the Laura Frossard Revocable Trust, which owns property directly to the northwest of the subject property. She explained that Mr. Carter is unable to attend today, but he did write a letter of protest.

Ms. Frossard stated that with the 21 different lots, it is a suburban type of use in what is a rural character. There is nothing like the intensity of the proposal north of the subject property. The usage in the entire section is rural and not intense like the subdivision that is proposed. She indicated that she wouldn't object if

they were ten-acre tracts or tracts that people who wanted to live in the country would buy and participate in the rural life that people in the area enjoy.

Ms. Frossard stated that she has invested money in the property in order to live in a rural environment with cattle, horses and open space. This is a land and esthetic issue. There is a lot of hunting in the subject area and she allows friends and relatives to hunt on her property, which will be a problem with a subdivision next door. This would be an opportunity for the Planning Commission to engage in pro-actively addressing the issue of suburban sprawl, which is what this proposal is emblematic of.

TMAPC COMMENTS:

Ms. Bayles stated that the property is not completely surrounded by AG at this point and there are residential estate and residential single-family abutting the subject property. In response, Ms. Frossard agreed that this is true and there are houses on smaller tracts to the south, which front on Highway 20, and she can see that anything on Highway 20 and related to that would be developed. Ms. Frossard commented that this is the chance to draw the line at 156th and keep the rural character of the subject area. Ms. Frossard indicated that she purchased the land to enjoy its rural character. Ms. Frossard suggested that the subject site should be a buffer area between the more intense development and on into the area to the north.

INTERESTED PARTIES:

Lloyd Garrison, 201 South Hominy, Skiatook, Oklahoma 74070, stated that he is the owner and developer of Redberry Hill. He commented that he has lived in the subject area all of his life and he knows Mr. Carter, but didn't realize that Mr. Carter was opposed to this development. Mr. Garrison explained that he did discuss this application with Mr. Carter and he believes that there was a misunderstanding on how many tracts there would be. There will be 21 tracts, which will be two to six acres each. Directly south of 156th Street is a new subdivision called Britten Ridge, which is an annexation of Skiatook. There will be somewhere between 50 to 100 tracts (1/2 to one acre tracts). He commented that there is growth in the area and the water district is requiring a 12-inch waterline in the subject area because of the growth expected.

J.R. Donnelson, 8410 East 111th Street, Bixby, Oklahoma 74008, representing the owner Lloyd Garrison, stated that he believes that an RE zoning is a buffer between the south properties and the AG to the north. He indicated that he has already been granted the RE zoning and now going through the platting process. He agrees with the staff recommendation on the preliminary plat and requests the Planning Commission's approval today.

TMAPC COMMENTS:

Mr. Midget asked Mr. Donnelson how large the lots would be. In response, Mr. Donnelson stated that the tracts will range anywhere between an 1 3/4 acres to six acres.

Mr. Carnes stated that he would make a motion to approve this preliminary plat.

Mr. Harmon stated that he would agree with this approval. He commented that people have trouble dealing with change. City and towns develop and invariably we see situations like this. Mr. Harmon concluded that this is an appropriate zoning and appropriate project.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the preliminary plat for Redberry Hill, subject to special conditions and standard conditions; subject to increasing the access to 60 feet in case there is a need for a 60-foot street right-of-way for the developing property to the east, per staff recommendation.

* * * * *

Indigo Run – (1306)

(PD 12) (County)

122nd Street North, west of Lewis

STAFF RECOMMENDATION:

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

The following issues were discussed May 19, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG. Water needs to be provided to the plat. The Fire District to serve the subdivision must approve of the water system/plat (Sperry). The injection line and oil wells planned and existing need to be shown. Proper right-of-way needs to be dedicated. The plat has been reviewed by TAC previously (November 18, 2004 and January 6, 2005) and comments from these meetings still apply. Setbacks from oil wells must be shown on the face of the plat.
2. **Streets:** Previous comments still apply.
3. **Sewer:** No comment.
4. **Water:** Rural water district # 3 will serve the addition water.

5. **Storm Drainage:** No comment.
6. **Utilities:** N/A
7. **Other: Fire:** State Fire Codes will apply. Hydrant spacing needs to be appropriate. There are also State Fire Codes concerning oil wells. Recommend a turnaround at end of road - northwest corner of Lot 3; 120 foot hammerhead, 60-foot "Y" or 96 foot diameter cul-de-sac per Table D103.4 of the IFC 2003. Indicate location of all oil wells, abandoned, working or planned. Refer to F3406.3 for requirements for wells (attached). No portion of any building should be located farther than 600 feet from a fire hydrant (F508.5.1). Plat needs to be clarified showing all easements and restrictions related to well activity. Lots 1, 2, and 3 should be a separate Block of Lots. Remove "general" from Section IA heading.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction.
2. Conditions per TAC comments must be followed.

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 what the setback requirements from oil wells would be. In response, Mrs. Fernandez stated that the residential wells are usually 125 feet. There are several existing wells and there are several tanks on the lot. Mr. Harmon commented that the set backs would make it difficult to develop.

Applicant's Comments:

Whit Mauzy, Jr., 1532 South Gillette, Tulsa, Oklahoma 74105, stated that he is the engineer on the subject project. He stated that he needs to clarify that there are plugged wells on the subject property, but none are producing at this time.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the preliminary plat for Indigo Run, subject to special conditions and standard conditions per staff recommendation.

MINOR SUBDIVISION PLAT:

WMI Addition – (0322)

(PD 16) (CD 3)

North of the northwest corner of the Gilcrease Expressway
and Erie Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 10.7 acres.

The following issues were discussed May 19, 2005 at the Technical Advisory
Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL.
2. **Streets:** The City has no plans, from a budgetary and priority standpoint, to improve the 16-foot asphalt roadway of North Erie Avenue. If heavy truck traffic is anticipated with the site undergoing further development, the developer is advised to take the existing pavement capacity into consideration.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Overland drainage easements are needed across north end adjacent to utility easement to continue full width, and across southwest adjacent to utility easement along property line.
6. **Utilities:** N/A
7. **Other: Fire:** No portion of any building shall be located farther than 600 feet from a fire hydrant (F508.5.1). Automatic fire sprinkler system required per F903.2.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the minor subdivision plat for WMI Addition, subject to special conditions and standard conditions per staff recommendation.

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 3, Block 1, Amended Plat of Bond Second Addition (PD 18) (CD 5)
(9324)

North of East 41st Street, east of South Memorial Drive

STAFF RECOMMENDATION:

This application is made to allow a change of access along 41st Street. The proposal is to move an existing 40-foot limited access 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 COMMENTS:

Mr. Ard stated that he has been involved in a consultation basis with this property for a third party, but he doesn't believe it will bias his vote.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the change of access on recorded plat for Lot 3, Block 1, Amended Plat of Bond Second Addition per staff recommendation.

AUTHORIZATION FOR ACCELERATED RELEASE OF BUILDING PERMIT:

Estancia – (8407)

(PD 18) (CD 7)

South of the southeast corner of East 71st Street and Mingo Road

STAFF RECOMMENDATION:

This request is for an accelerated building permit in the Estancia Addition. The permit is requested for a "shell" building permit.

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

The preliminary plat was approved on March 16, 2005 by TMAPC. The accelerated permit can be considered if the preliminary plat has been approved.

The Technical Advisory Committee did not object to the proposal and made no comments on any concerns. (The application had previously been of concern when it was first submitted, and then withdrawn in March of 2005 so that plans could be redeveloped and resubmitted.)

Staff can recommend **APPROVAL** of the authorization for an accelerated building permit per the approved site plan.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Ard stated that he has been involved in a consultation basis with this property, but he doesn't believe it will bias his vote.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the authorization for accelerated release of building permit for Estancia per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-660-1 **MINOR AMENDMENT**

Applicant: Jeffrey Levinson (PD-8) (CD-2)

Location: East of southeast corner of West 71st Street South and South Elwood Avenue

STAFF RECOMMENDATION:

This is a request for a minor amendment to change the development standards regarding building setbacks. The original PUD-660 required a setback of 10' plus two feet of setback for each foot of building height in excess of 15' from the east, west and south boundaries of the PUD. This application would apply to the east, west and south boundaries of the south 150' of the PUD, and would establish a setback of 23.5' from the east boundary of the PUD and 31' from the west boundary. It would prohibit windows on the second story of a building facing east or west boundaries of the PUD. No other changes to the PUD are contemplated at this time.

The proposed changes appear minor in nature and should have no adverse impact on surrounding land uses. Therefore, staff recommends **APPROVAL** of PUD-660-1.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the minor amendment for PUD-660-1 per staff recommendation.

ZONING PUBLIC HEARING

Application No.: Z-6989/PUD-716

CO TO CO/PUD

Applicant: Randall Pickard

(PD-18) (CD-7)

Location: West of southwest corner of East 81st Street South and South Garnett Road

STAFF RECOMMENDATION:

PUD-666 August 2002: Approval was granted for a Planned Unit Development on a ten-acre tract located on the northwest corner of East 81st Street and South 113th East Avenue from RM-0 and CS to PUD for commercial development.

PUD-663 June 2002: A request to rezone a 26-acre tract located north and west of the subject property on the north side of East 81st Street, from CO to CO/PUD-663. The PUD was approved for a recreation and sporting goods store, boat sales, and other retail and office uses.

PUD-569/Z-6054-SP-3 December 1997: All concurred in approval of a request for a corridor site plan and Planned Unit Development on a 30.7-acre tract abutting the subject property on the west for a mixed use development.

Z-6327 June 1991: All concurred in approval of a request to rezone a 44-acre tract located at the northeast corner of East 81st Street South and Mingo Valley Expressway from AG to CO.

Z-6054 July 1985: All concurred in approval of CO zoning on a 137-acre tract that included the subject property and located in the southeast corner of East 81st Street and Mingo Valley Expressway.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 9.37 acres in size, gently sloping, partially-wooded, vacant, and zoned CO.

STREETS:

Exist. Access	MSHP Design.	MSHP ROW	Exist. # Lanes
East 81 st Street South	Secondary arterial	100'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The property is abutted on the north by a power station, zoned CO/PUD-663; on the west by a convenience store and fast food restaurant on the northern part, zoned CO/PUD-569-A, and on the southern part by South 107th East Avenue, a 36' collector; on the east by an undeveloped tract, zoned CO; and on the south by an undeveloped tract, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as Low Intensity-No Specific land use/Corridor. According to the Zoning Matrix, the requested CS* zoning is **not** in accord with the Comprehensive Plan. However, as noted below, some CS-allowed uses are allowed in the Corridor designation. If the applicant withdraws the request for CS zoning and retains the application for a PUD under the existing CO zoning, the request would be **in accord** with the Comprehensive Plan. (Note: applicant expressed intent to withdraw request for CS zoning).

STAFF RECOMMENDATION:

Staff must point out that commercial uses in Use Units 13, 14 and 19 are allowed by right and Use Unit 16 is allowed by Special Exception, under a Corridor designation, which the subject property already has. With the Corridor designation, however, comes the requirements for a 200' setback from the centerline of East 81st Street and a corridor site plan. The applicant could conceivably develop what he desires under the existing zoning and land use plan designations by meeting these two requirements. The use of the PUD offers the flexibility to modify the setback requirement. With the withdrawal of the request for CS zoning, staff can support the requested PUD and recommends **APPROVAL** of PUD-716, conditioned upon the TMAPC's recommendation of approval of the following or some variation thereof.

PUD-716

This proposal is for a mixed-use development to include commercial, office, hotel/motel and mini-storage uses. The site, Three Lions Square, is to encompass five development areas. Development Area A at the front (northern part) of the lot is to be developed commercially. Development Area B, at the northeast corner of the lot, is to contain a single commercial-retail use. Each of these two areas could also accommodate office uses. Development Area C, in the east-central portion of the site, is to accommodate either hotel-motel uses or office/retail uses. Development Area D, in the west-central portion of the site, is to be developed in either office or commercial-service uses. In the southern portion of the site, Development Area E is to be developed in mini storage or commercial/office uses.

The site fronts on East 81st Street South, a secondary arterial and lies between the Mingo Valley Expressway and South Garnett Road. A fast food restaurant

and convenience store are adjacent on the west to the site's northern portion and a multifamily residential development and South 107th East Avenue are adjacent on the southern portion. To the east and south of the site are undeveloped properties. The applicant proposes to extend a 36' stub street into and through the site as a 26' private street. An entry road at the northeast corner of the site is proposed to also provide access from East 81st Street to the adjoining tract.

As noted above, under Z-6989, staff cannot support the requested CS zoning. However, if the TMAPC is inclined to approve that rezoning or if the applicant withdraws the request for that rezoning, staff recommends the following conditions and development standards.

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

DEVELOPMENT STANDARDS

Area A (Commercial and Office Uses)

LAND AREA:

Gross:	2.57 acres	112,086 square feet*
Net:	2.215 acres	96,480 square feet

PERMITTED USES (to be allowed by right):

Those uses permitted in accordance with the following use units of the City of Tulsa Zoning Code: Use Unit 11 (Offices, Studios and Support Services); Use Unit 12 (Eating Establishments Other Than Drive-Ins); Use Unit 13 (Convenience Goods and Services); Use Unit 14 (Shopping Goods and Services); Use Unit 17 (Automotive and Allied Services), limited to auto wash, automobile rental, and vehicle repair and service, with all other Use Unit 17 uses expressly prohibited; Use Unit 18 (Drive-In Restaurant); and all Accessory Uses Permitted in the CS District per the City of Tulsa Zoning Code. (Note that Units 17 and 18, permitted by exception in the CS Zoning District, are allowed in the PUD per Section 1103.A of the Zoning Code.)

MINIMUM FRONTAGE 150 feet

MAXIMUM BUILDING FLOOR AREA (using .50 FAR): 56,043 square feet
.50 Floor Area Ratio per Section 703 of the City of Tulsa Zoning Code

MAXIMUM BUILDING HEIGHT: NA

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of East 81 st Street	100.0 feet
From the west boundary (perimeter easement)	17.5 feet
From the east boundary	NA
From the south boundary	25.0 feet

- * For purposes of intensity computations for Development Area A, gross area includes the net development area plus ½ of the right-of-way for East 81st Street, per Section 1104 of the City of Tulsa Zoning Code.

Area B (Commercial and Office Uses)

LAND AREA:

Gross:	1.48 acres	64,668 square feet*
Net:	1.195 acres	52,069 square feet

PERMITTED USES (to be allowed by right):

Those uses permitted in accordance with the following use units of the City of Tulsa Zoning Code: Use Unit 11 (Offices, Studios and Support Services); Use Unit 12 (Eating Establishments Other Than Drive-Ins); Use Unit 13 (Convenience Goods and Services); Use Unit 14 (Shopping Goods and Services); Use Unit 17 (Automotive and Allied Services), limited to auto wash, automobile rental, and vehicle repair and service, with all other Unit 17 uses expressly prohibited; Use Unit 18 (Drive-In Restaurant); and all Accessory Uses Permitted in the CS District per the Zoning Code. (Note that Units 17 and 18, permitted by exception in the CS Zoning District, are allowed in the PUD per Section 1103.A of the Zoning Code.)

MINIMUM FRONTAGE 150 feet

MAXIMUM BUILDING FLOOR AREA (using .50 FAR): 32,334 square feet
.50 Floor Area Ratio per Section 703 of the City of Tulsa Zoning Code

MAXIMUM BUILDING HEIGHT: NA

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of East 81 st Street	100.0 feet
From the east boundary (including public street)	75.0 feet
From the west boundary	NA
From the south boundary	15.0 feet

(Note: The 25-foot setback identified in Section 703 of the Zoning Code may be reduced per Section 1104.D of the Zoning Code.)

- * Gross area includes the net development area plus ½ of the right-of-way for East 81st Street, per Section 1104 of the City of Tulsa Zoning Code.

Area C (Commercial-Office-Hotel- Mini storage Use)

LAND AREA:

Gross/Net:	2.20 acres	96,008 square feet
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PERMITTED USES (to be allowed by right):

Those uses permitted in accordance with the following use units of the City of Tulsa Zoning Code: Use Unit 11 (Offices, Studios and Support Services); Use Unit 12 (Eating Establishments Other Than Drive-Ins); Use Unit 13 (Convenience Goods and Services); Use Unit 14 (Shopping Goods and Services); Use Unit 16 (Mini-storage), provided, mini-storage use shall be limited to the south 30 feet of Development Area C; Use Unit 18 (Drive-In Restaurant); Use Unit 19 (Hotel-Motel Use); and all Accessory Uses Permitted in the CS District per the City of Tulsa Zoning Code. (Note that Use Units 16 and 18, permitted by exception in the CS Zoning District, are allowed in the PUD per Section 1103.A of the Zoning Code.)

MINIMUM FRONTAGE	50 feet
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MAXIMUM BUILDING FLOOR AREA (using .50 FAR):	48,004 square feet
.50 Floor Area Ratio per Section 703 of the City of Tulsa Zoning Code	

MAXIMUM BUILDING HEIGHT:	NA
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OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the north boundary	15.0 feet
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(Note: The 25 feet setback identified in Section 703 of the Zoning Code may be reduced per Section 1104.D of the Zoning Code.)

From the east boundary (perimeter easement)	17.5 feet
From the west and south boundaries	NA

Area D (Commercial-Office Use)

LAND AREA:

- Gross/Net: 0.772 acre 33,638 square feet

PERMITTED USES (to be allowed by right):

Those uses permitted in accordance with the following use units of the City of Tulsa Zoning Code: Use Unit 11 (Offices, Studios and Support Services); Use Unit 12 (Eating Establishments Other Than Drive-Ins); Use Unit 13 (Convenience Goods and Services); Use Unit 14 (Shopping Goods and Services); Use Unit 17 (Automotive and Allied Services), limited to auto wash, automobile rental, and vehicle repair and service, with all other Unit 17 uses expressly prohibited; Use Unit 18 (Drive-In Restaurant); and all Accessory Uses Permitted in the CS District per the City of Tulsa Zoning Code. (Note that Use Unit 17, permitted by exception in the CS Zoning District, is allowed in the PUD per Section 1103.A of the Zoning Code.)

MINIMUM FRONTAGE 50 feet

MAXIMUM BUILDING FLOOR AREA (using .50 FAR): 16,819 square feet
.50 Floor Area Ratio per Section 703 of the City of Tulsa Zoning Code

MAXIMUM BUILDING HEIGHT: NA

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the north boundary	25.0 feet
From the west boundary (perimeter easement)	17.5 feet
From the east and south boundaries	NA

Area E (Mini-storage-Commercial-Office Use)

LAND AREA:

- Gross/Net: 2.568 acres 111,863 square feet

PERMITTED USES (to be allowed by right):

Those uses permitted in accordance with the following use units of the City of Tulsa Zoning Code: Use Unit 11 (Offices, Studios and Support Services); Use Unit 14 (Shopping Goods and Services); and Use Unit 16 (Mini-storage); and all Accessory Uses Permitted in the CS District per the City of Tulsa Zoning Code. (Note that Use Unit 16, permitted by exception in the CS Zoning District, is allowed in the PUD per Section 1103.A of the Zoning Code.)

MINIMUM FRONTAGE

NA

(Section 1216.C.3 requires that the "Development Site" shall have frontage on and access to an arterial street. The "Development Site" in the Planned Unit Development includes the drive between Areas D and E as depicted on Exhibit 1, which has access to a public street, which, in turn has access to East 81st Street (a secondary arterial road).

MAXIMUM BUILDING FLOOR AREA (using .50 FAR): 55,931.50 square feet
.50 Floor Area Ratio per Section 703 of the City of Tulsa Zoning Code

MAXIMUM BUILDING HEIGHT:

NA

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the north boundary NA
From the west, south, and east boundary NA*

(Note: if Area E is developed for any use other than mini storage use, a 17.5 feet perimeter easement will be provided by plat on the west, south and east boundaries of the Area E, with a minimum, corresponding 17.5 feet building set back.)

DEVELOPMENT STANDARDS
APPLICABLE TO ALL DEVELOPMENT AREAS

LANDSCAPED AREA AND SCREENING

- (1) A Preliminary Landscape and Screening Concept Plan depicted on Exhibit G.
- (2) All landscaping and screening shall meet or exceed the requirements of the PUD Chapter and Landscape Chapter, or an alternative plan may be approved by TMAPC if they determine that, although not meeting the technical requirements of the Landscape Chapter, the plan is equivalent to or better than the requirements of the Landscape Chapter and also meets the requirements of the PUD Chapter, with the exception of Development Area E, which, if developed for mini-storage use will include perimeter screening (by building walls and/or fencing), with no minimum landscaping required. All landscaping and screening shall be approved by TMAPC.
- (3) A detail landscape plan for the development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscape materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.

SIGNS:

- 1) Signage shall comply with Section 1103.B.2 of the City of Tulsa Zoning Code. Provided, however:
 - a.) One ground sign shall be permitted for each lot in Development Areas A and B; and
 - b.) Additionally, one monument sign for Development Areas C, D and E, not exceeding 25 feet in height or 250 square feet in area, shall be permitted at the East 81st Street entry to either Development Area A or at the entry to Development Area B.

- 2) Wall signs shall be permitted on the west wall of mini-storage buildings, with such walls not to exceed the square footages specified in Section 1103.B.2.a of the City of Tulsa Zoning Code.
- 3) No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

LIGHTING:

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

TRASH, MECHANICAL AND EQUIPMENT AREAS:

- (1) There shall be no storage of recyclable materials, trash or similar material outside a screened receptacle. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
- (2) No trucks or trailers shall be parked in the development area except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the development area. Provided, if Area E is developed for mini-storage use, outside storage customary to mini-storage developments shall be permitted.

TOPOGRAPHY, DRAINAGE AND UTILITIES

- (1) *Topography.* Three Lions Square slopes to the north and west as shown on Exhibit E.

- (2) *Drainage.* A fee-in-lieu of stormwater detention shall apply to the development areas in the planned unit development. Drainage will be provided as required by the City of Tulsa Department of Stormwater Management during the platting process.

The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.

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

- (3) *Utilities.* Existing off-site water, sanitary sewer and storm sewer utilities are depicted on Exhibit E. Gas, electric, telephone and cable television services are available to Three Lions Square.

ACCESS, CIRCULATION AND PARKING

As shown on Exhibit F (Access and Traffic Circulation Plan), access to the Site is provided by East 81st Street and by South 107th East Avenue. There shall be a maximum of two access points to East 81st Street.

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

There is a stub-out from South 107th East Avenue along the west boundary of the Site. This stub-out contemplates a 36 feet wide road into the Site. However, the Site will be developed with a 26 feet wide private street through the Site. The private street is depicted on Exhibit A. (The north curb of the private street will align with the stub-out from South 107th East Avenue, while the south curb will curve and tie into the south side of the stub-out from South 107th East Avenue. Ownership of the Street will be retained by the Developer, with permanent roadway easements granted to the eventual, adjoining lot owners. The Developer will maintain the Street.

All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent. The City shall inspect all streets and certify that they meet City

standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.

The proposed number of off-street parking spaces for the Development Areas is shown on Exhibit A.

PERMIT PREREQUISITES

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

No building permit can be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.

SCHEDULE OF DEVELOPMENT

Development will commence upon the approval of the PUD and the plat for Three Lions Square by the appropriate governmental bodies. The proposed development schedule is as follows:

- | | | |
|----|---------------------------------------|------------|
| 1. | Approval of construction plans: | 11/01/2005 |
| 2. | Installation of site erosion control: | 12/15/2005 |
| 3. | Begin site grading: | 01/01/2006 |
| 4. | Begin site utilities construction: | 04/01/2006 |
| 5. | Begin Development Area A: | 07/01/2006 |
| 6. | Complete site utilities construction: | 11/01/2006 |
| 7. | Begin Development Areas B, C and D: | 01/01/2007 |

EXHIBITS

- Exhibit A: Concept Site Plan.
- Exhibit B: Site Plan with Development Areas Outlined.
- Exhibit B-1: Overall PUD Site Legal Description.
- Exhibit B-2: Development Area A Legal Description.
- Exhibit B-3: Development Area B Legal Description.

- Exhibit B-4: Development Area C Legal Description.
- Exhibit B-5: Development Area D Legal Description.
- Exhibit B-6: Development Area E Legal Description.
- Exhibit C: Existing Area Zoning.
- Exhibit D: Area Map.
- Exhibit E: Site Plan with Existing Topography and Utilities.
- Exhibit F: Access, Traffic and Pedestrian Circulation Plan.
- Exhibit G: Preliminary Landscape Concept Plan.

3. Landscaping and screening shall be in substantial compliance with development standards contained in the PUD text and as depicted on Exhibit G of the PUD. Development and approval of the detail landscape plan shall be as set forth in the PUD text (item 3).
4. Compliance with permit prerequisites shall be as set forth in the PUD-716 Permit Prerequisites Standards.
5. Signage shall comply with the PUD development standards.
6. Access and circulation shall be as delineated in the PUD-716 Access, Circulation and Parking Standards and PUD text, as shown on Exhibits E and F. Proposed off-street parking shall be as delineated on Exhibit A.
7. Subject to conditions, as recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by the TMAPC.
8. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments for June 1, 2005:

General: Fire – No portion of any building shall be located farther than 600' from a fire hydrant (F508.5.1). Automatic fire sprinkler system required per F903.2.

Water: May require water main extension.

Stormwater: Tulsa County is doing some improvements in this area. If offsite drainage flows onto the site from the south, then must collect at the property line or put in an overland drainage easement. The site is within the West Branch Haikey Creek basin. Absent Tulsa County stormwater improvements, detention will be required, as will PFPI.

Wastewater: Must provide sanitary sewer service to all lots. Provide a 17.5' perimeter easement as required in subdivision regulations.

Transportation: City of Tulsa policy requires sidewalks on arterial streets and recommends sidewalks on collectors.

Traffic: A public collector street with 60' ROW is recommended as per the Corridor zoning regulations due to the moderate traffic volume potentially generated by the numerous development options and the connection to the east to moderate/high density CO zoning. Various mutual access easements will be recommended during platting.

INCOG Transportation: MSHP – 81st Street and Garnett Road are secondary arterials.

LRTP – 81st Street and 91st Street between Mingo and Garnett are planned for four lanes. Garnett between 81st and 91st Streets is planned for four lanes. US-169 between 81st and 91st Streets has six lanes. Sidewalks should be constructed if non-existing or maintained if existing.

Tulsa Transit – Currently Tulsa Transit operates Route 318-Memorial/Airport on US-169 between 81st Street and 91st Street. According to the new system design, Tulsa Transit will operate Route E, East 41st Street/Garnett Road on 81st Street between Mingo and Garnett, and Route J, Memorial Drive on Mingo between 81st Street and 91st Street. Therefore, consideration for access to public transportation should be included in this development.

Ms. Matthews stated that after review of the project the applicant determined that he can achieve what he wishes do without the CS zoning; however, the PUD is needed.

Ms. Matthews stated that the CS zoning request has been withdrawn.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to recommend **APPROVAL** of PUD-716 per staff recommendation.

Legal Description for PUD-716:

Commencing at the Northeast Corner of said Section 18, thence S 89° 04' 29" W, and along the northerly line of said Section 18 for 674.63 feet; thence S 00° 55' 31" E for 50.00 feet to the point of beginning of said tract of land; thence S 01° 16' 37" E parallel with the easterly line of Section 18 for 705.00 feet; thence S 89° 04' 29" W parallel with the northerly line of Section 18 for 580.09 feet; thence N 01° 16' 37" W parallel with the easterly line of Section 18 for 675.00 feet; thence N 89° 04' 29" E for 15.79 feet; thence N 00° 55' 31" W for 30.00 feet; thence N 89° 04' 29" E parallel with and 50.00 southerly of the northerly line of Section 18 for 564.12 feet to the point of beginning, and containing 9.37 acres, more or less, and located west of the southwest corner of East 81st Street South and South Garnett Road, Tulsa, Oklahoma, **From** CO (Corridor District) **To** CO/PUD (Corridor District/Planned Unit Development).

Application No.: Z-6990

RS-3 to CS

Applicant: Linda Johnson

(PD-2) (CD-3)

Location: East of the southeast corner of East Apache Street North and North Birmingham Avenue (2612 East Apache)

STAFF RECOMMENDATION:

Z-6860 July 2002: A request to rezone a half-acre tract located across East Apache Street from the subject property, from CS to IL or CG for auto repair, tire sales and furniture refinishing was approved for IL zoning.

Z-6627 June 1998: A request to rezone a four-acre tract located south of the Santa Fe Railroad right-of-way and lying between North Birmingham Place and North Columbia Avenue from RS to IM and PK. Staff recommended approval of IL zoning on all of the north and west portion with the south 330' remaining RS-3. TMAPC recommended that the RS-3 remain on the west 3' and the south 3', PK zoning on the north 150' of the south 153', and IL zoning on the remaining north tract. City Council concurred in approval per TMAPC recommendation.

Z-6550 August 1996: A request to rezone a five-acre tract located on the north side of the Santa Fe Railroad right-of-way abutting the Cherokee Expressway exit ramp on the south and south of the subject tract from RS-3 to IM. All concurred in approval of IM zoning for the proposed industrial use.

Z-6370 October 1992: A request to rezone a 16.5-acre tract located south and east of the subject tract on the south side of the Santa Fe Railroad right-of-way from RS-3 to IM and OL for a manufacturing facility and accessory parking. Staff and TMAPC recommended IM zoning on the north 100', PK on the north 170' of the south 200' and a 30' strip of RS-3 to remain on the south boundary to serve as a buffer to the residential uses south of the property. City Council concurred in approval subject to the recommendation.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately one-half acre in size; it is located on the south side of East Apache Street and east of North Birmingham Avenue, west of North Birmingham Place. The property is gently sloping, non-wooded, vacant, and zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Apache Street	Secondary arterial	100'	4 lanes
North Birmingham Place	N/A	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The subject property is abutted on the west by an auto electric company (Shorty's, a relatively new development that was relocated here as a result of the Pine/Peoria intersection improvements), zoned CS; on the east by vacant land and industrial uses, zoned IL; on the north by mixed industrial/commercial/mobile home uses, zoned CS and IL; and on the south by mixed industrial and residential uses, zoned RS-3 and the railroad, also zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 3 Detail Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this property as Medium Intensity-No Specific land use and Special District 1-Industrial area. Plan policies encourage all future industrial and related uses to locate here and for adequate infrastructure to be in place. The requested CS zoning **may be found** in accord with the Zoning Matrix and Plan by virtue of its location within a Special District.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and existing uses in the area, staff can support the requested rezoning and recommends **APPROVAL** of the requested CS for Z-6990.

TMAPC COMMENTS:

Mr. Midget asked Ms. Johnson what she planned to use the subject property for.

Applicant's Comments:

Linda Johnson, 1011 Northwest 172nd Street, Edmond, Oklahoma 73003, stated that she has a potential buyer and they would like to have a business on the subject property.

Mr. Midget asked if it would be some kind of tire place or storage.

Ms. Johnson stated that she doesn't believe it will be a tire place or storage.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the CS zoning for Z-6990 per staff recommendation.

Legal Description for Z-6990:

Part of Tract 3 vacated Collins Tracts beginning at the Northwest corner of Tract 3, South 270', East 54.51', Northeasterly 61.34' to point on East line, North 221.68' to northeast corner, West 100', to Point of Beginning and Part of Tract 2 vacated Collins Tract, beginning 1,140.1' West and 50' South of the Northeast corner, NW/4, thence South 310', Southwest 66.99', North 355.14', East 50' to Point of Beginning, Section 29, T-20-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, and located east of the southeast corner of East Apache Street and North Birmingham Avenue, a/k/a 2612 East Apache Street), Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To CS (Commercial Shopping Center District).**

Application No.: Z-6991

RS-3 to RS-3/HP

Applicant: TMAPC

(PD-6) (CD-4)

Location: Southwest corner of East 16th Street South and South Detroit Avenue (North Maple Ridge)

TMAPC COMMENTS:

Ms. Bayles stated that she has had ex parte communication with many parties on this issue.

STAFF RECOMMENDATION:

Z-6932 February 2004: A request to rezone a residential lot located on the southeast corner of East 13th Street South and South Owasso Avenue from RS-3 to CH for a storage facility was denied.

Z-6785 October 2000: Approval was granted for a request to rezone a tract located on the west side of South Carthage and north of East 14th Place for a two-story office building from RM-2 to OM.

Z-6738/PUD-626 December 1999: A request to rezone two lots located on the southeast corner of East 15th Street and South Owasso Avenue from OL and RS-3 to CS for a restaurant and accessory parking was withdrawn by the applicant.

Z-6378 April 1993: All concurred in approval of HP overlay zoning on an area located between East 15th Street and East 21st Street and from Cincinnati Avenue on the west to South Peoria Avenue on the east. [Note: This apparently is the zoning case from which the differences in zoning boundaries were derived.]

Z-6360/PUD-478-A June 1992: Approval was granted for a major amendment to PUD-478 to remove a .37-acre tract from the original PUD. Approval was granted to reduce the number of dwelling units in the PUD from 24 to 23 and to rezone a portion of the PUD located in the northeast corner of the PUD from RS-4 to PK.

AREA DESCRIPTION:

SITE ANALYSIS: The area is totally single-family residential within a historically significant area (North Maple Ridge). Most of the lots were apparently intended to be included in rezoning to HP a number of years ago (Z-6378), but were inadvertently omitted. Currently zoned RS-3, the proposal is to maintain that underlying zoning and add the HP overlay.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 16 th Street South	N/A	50'	2 lanes
South Detroit Avenue		60'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: Maple Park, a remnant of former ODOT right-of-way, lies to the west and is zoned CH; to the north lie commercial and mixed uses south of 15th Street, zoned CH; to the east lie single-family residential uses, zoned RS-3/HP; and to the south lie single-family residential uses, zoned RS-3/HP.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-Residential land use/Cherry Street Special Consideration Area C – Historic District Subarea. Plan policies (Section 3.4.3) encourage working with the Tulsa Preservation Commission, rigorous code enforcement to protect the integrity of the area, development of a compatible trailway and development/redevelopment in the area that enhances and is compatible with existing uses.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and recommendations of the neighborhood and Tulsa Preservation Commission, staff can support the requested HP overlay zoning and therefore recommends **APPROVAL** of HP zoning for Z-6991.

TMAPC COMMENTS:

Mr. Harmon stated that he thought if a property owner wanted to opt out of the rezoning then it was allowed. In response, Ms. Matthews stated that this is true in most cases, but it is not true in every case. There have been some owners who did not necessarily want to be zoned HP, but because it made sense due to the surrounding properties being HP then it would be recommended by the Planning Commission to be rezoned.

Mr. Harmon asked what would be gained by having HP zoning on these lots. Ms. Matthews stated that the HP overlay on the subject property would protect the rights of all of the other properties around it who have already complied with the HP requirements. Ms. Matthews reminded the Planning Commission that it is not just the two lots in question, there are also Lots 2, 3, 4 and 5.

Ms. Bayles stated that due to an administrative error, Lots 2, 3, 4 and 5 were not taken into the HP overlay zoning, but clearly the intent was that they were. Ms. Bayles explained that if Lots 1 and 2 hadn't been part of this issue, the proper

course of remedy on this would have been as simple as an administrative correction.

INTERESTED PARTIES:

Marilee Townsend, Chair for Tulsa Preservation Commission, 1909 East 33rd Place, Tulsa, Oklahoma 74120, the position of TPC is that in 1993 during the original zoning, Lots 1 and 2 were excluded from HP zoning since they belonged to the State of Oklahoma. If the Planning Commission would like the TPC to initiate a recommendation based on new circumstances, the TPC would be happy to do so.

Ms. Bayles asked Ms. Townsend if the 1993 vote included Lots 3, 4 and 5 within the original zoning. In response, Ms. Townsend answered affirmatively.

Doug Campbell, 1927 South Boston, Tulsa, Oklahoma 74119, stated that he purchased fragments of Lots 1 and 2, Block 4, Maple Park Addition earlier this year because he was told, by the staff of the Preservation Commission, that the subject property was not in the HP overlay. He would not have purchased the properties if he had known. He explained that the subject property is an odd-shaped piece of property. It will difficult to build a residence on the subject property and totally meet the guidelines of the HP overlay.

Mr. Harmon asked Mr. Campbell what he intended to do with the property. In response, Mr. Campbell stated that he intended to build a personal residence for himself. He explained that he had planned to build an 1800 SF single-story residence with a two-car garage. Mr. Harmon asked Mr. Campbell if he believes that to build that same residence and comply with the HP overlay would be a hindrance. Mr. Campbell responded that it would be extremely difficult because of the shape of the property. He indicated that he purchased the property in March of 2005. He commented that he discussed this issue with Dustin Wright at the One-Stop Permit Center and David Simmons at the Preservation Commission. He stated that he has copies of the Preservation Commission's maps and legal descriptions that indicate that these two pieces of property are not in HP zoning.

Mr. Ard requested that Mr. Campbell display the plat. Mr. Campbell explained that there is a 20-foot sewer easement across the back property line and a 25-foot sewer easement along the north property area also. In addition there is a 25-foot setback in the front for the building setback.

Mr. Bernard asked Mr. Campbell if he purchased the property from the State of Oklahoma or an individual. Mr. Campbell stated that he purchased it from an individual. The previous owner purchased the subject property in 2003.

Ms. Bayles stated that there is a letter from Mr. Fennell in the TMAPC agenda packet and the concern raised for her personally, when reading this letter, was

that clearly Mr. Fennell was the owner of a property that was excluded by current ordinance and which was proposed in the original recommendation to be included in the HP overlay. As such, he was clearly aware of the circumstances that would have surrounded his property and the property adjacent to it on Lots 1 and 2. She commented that she is disconcerted at the issues that he has in his letter because it is now Mr. Campbell who is now the troubled property owner of record. Ms. Bayles apologized to Mr. Campbell for herself and members of the Planning Commission and the Preservation Commission that he has been caught in administrative errors with regards to the maps and legal description.

Mr. Campbell commented that this is the first apology from anyone connected with the City and he appreciates it. He stated that when he visited with Mr. Simmons at the Preservation Commission, he was told that Mr. Fennell had been to the office and he had told him the same information. He commented that he doesn't understand why this issue was raised several times and there was not a clear-cut answer to his questions whether the property is actually in or out of the HP overlay. Mr. Campbell stated that he obtained a map and legal description from the Preservation Commission that indicated that the subject property was not in the HP overlay.

Mr. Boulden requested a copy of the legal description that Mr. Campbell obtained from the TPC.

Mr. Carnes stated that the owner wants to build a house and it is a residential neighborhood. He doesn't see where there would be anything to gain by placing an HP overlay on the property when the owner doesn't want it.

Ms. Bayles stated that she respects Mr. Carnes's opinion, but not all of the interested parties have had a chance to speak.

Mr. Alberty stated that unfortunately the TPC does not hold the official zoning records and checking with the TPC would only indicate what was intended. What actually happened was different from what the TPC intended. Those records do not reflect what the official zoning records were. The official zoning record indicates that Lots 1, 2, 3 and 4 were zoned HP back in 1993. The legal description that was used for the ordinance was also in error by stating Lots 1 and 6 of Block 4, which is the block in question. Whether the map or the legal description coincides with what actually happened is irrelevant. The TPC is strictly a recommending body. The body that actually has the zoning powers is the City Council, and the City Council approved a zoning map, which they felt included all of the lots. The Planning Commission is attempting to solve the mystery of how those lots were or were not zoned with the HP overlay. This background information is pertinent to whatever is discussed today.

Mike Schmitz, 1601 South Detroit, 74120, submitted packet of maps and documents from the 1993 HP overlay (Exhibit A-2), and stated that on April 7, 2005 he submitted material that started this process concerning the HP zoning for Block 4 and the six lots in question. He provided Exhibit A-2 for a timeline that outlined when maps and/or legal descriptions of the area in question were presented.

Mr. Schmitz submitted a National Register Boundary with the legal description that indicated that all of the Lots 1 through 6 were proposed for historical preservation.

Ms. Bayles stated that the National Register boundary is the inventory, which typically lists boundaries only and it doesn't necessarily agree with the HP overlay boundaries. One does not typically mandate the other. Mr. Schmitz agreed and stated that as it is labeled, the map and verbal boundary description included Lots 1 through 6 (Exhibit A-2) and this is the first map dealing with the North Maple Ridge area.

Mr. Schmitz continued to present Exhibit A-2 and read the different articles indicating that Lots 1 and 2 were excluded and Lots 3 through 6 were included in the HP overlay of 1993. Mr. Schmitz concluded that everyone has looked at these maps and made changes; however, since 1993, the existing map at INCOG indicated Lots 3 through 6 in the HP district and he is not sure why the map was not updated at TPC.

Ms. Bayles requested that the interested parties keep their comments to a three minute deadline.

Pam Deatherage, 1516 East 36th Street, Tulsa, Oklahoma 74105, stated that in 1992 through 1996, she served as a volunteer planning district chair for Planning District 6. She indicated that during the presentations the people living on the fringe were allowed to be excluded. Ms. Deatherage stated that from her memory she only recalls that a few houses on Peoria were to be excluded. She believes that the subject lots were intended to be included in the HP zoning.

Janice Nicklas, 122 East 25th Street, Tulsa, Oklahoma 74114, stated that she is serving as the President of the Maple Ridge Association Board. Ms. Nicklas read a brief statement from the Maple Ridge Association Board (Exhibit A-1).

Ms. Bayles asked Ms. Nicklas if she copied the Tulsa Preservation Commission with the same letter. In response, Ms. Nicklas stated that she sent a different letter for the meeting that was held last week, but the letter she read is pertaining to this particular issue.

Patsy Bragg, 1624 South Detroit, Tulsa, Oklahoma 74120, Lot 6, stated that she doesn't believe there is any question regarding Lots 1 and 6. She commented

that from January 1993 and through the adoption of the ordinance by the City Council, all of the maps utilized by the TMAPC for public hearing indicated all of Lots 1 and 6 were HP zoned. Therefore, INCOG, has correctly shown all of Lots 1 through 6 HP zoned, which was the intent of the HP zoning. She believes that Lots 1 and 6 are definitely in the HP zoning and the only question that arises here is the scrivener's error for Lots 2, 3, 4 and 5. It is important to have Lots 2, 3, 4 and 5 included in the HP zoning. She cited how the neighbors of Block 4 partnered with the City of Tulsa to acquire property and create Maple Park. Ms. Bragg cited significant history of the subject area and its residents.

Bob Haring, 1620 South Detroit, Tulsa, Oklahoma 74120, cited how the subject property came to be in private ownership. He commented that Lots 1 and 2 were to be excluded because they were owned by the State of Oklahoma. He commented that Lots 1 and 2 were being used by Steve Fennell, owner of Lot 3, for part of his yard. He indicated that Mr. Fennell mowed and maintained Lots 1 and 2. In 2000 or 2001, Mr. Fennell started inquiring about purchasing the two lots. During the negotiations it was understood by everyone, including the City and State, that Lots 1 and 2 would be joined with his property on Lot 3 and it would function as a single residential lot. Through the Fennell's divorce, the property was divided and Mr. Fennell owns Lots 1 and 2 and Mrs. Fennel owns Lot 3 with the house. He indicated that he discussed the difficulty of building a home on Lots 1 and 2 due to their irregular shape and the easements on the subject property. Mr. Haring stated that he is sympathetic with Mr. Campbell, but he doesn't want a house that doesn't fit in with the neighborhood.

Ms. Bayles asked why there wasn't a tie agreement on the subject property so that they could be tied to Lot 3. She commented that the proposed house does not have to be period in order to fit in the subject property and property along the same street. Rhythm, scale and mass are considered and period is not dictated by the preservation ordinance that it has to look like the Craftsman Bungalow. There are homes on the subject street that are somewhat stylized and were done before the ordinance was enacted.

Mr. Haring stated that he understands Ms. Bayles's comments, but he would request that the lots be included within the HP district so that anything built on the two lots would have to meet the preservation guidelines.

Paul Moore, 1611 South Detroit, Tulsa, Oklahoma, 74120, Lot 10, stated that he is pleased to be included in HP zoning because it limits the likelihood of an inappropriate project being built within the neighborhood. There is some type of design review process directed by guidelines that are clearly written. The HP zoning overly helps to protect the property value of the existing homeowners.

Mr. Moore stated that he thought that the subject lots were included in the HP district since 1993. An island of non-HP zoning is not feasible in the middle of a huge area of HP zoning and wouldn't be in accordance with sound zoning

principles. Mr. Moore explained the process he went through to determine that the subject lots were in the HP zoning and stated that three or four people in the neighborhood went through the same process to find that the lots were in the HP zoning according to the INCOG maps. He concluded by requesting that the Planning Commission maintain the HP overlay zoning on the subject lots.

Mark Bragg, 1624 South Detroit, Tulsa, Oklahoma 74120, reiterated the previous speakers by stating that Lots 1 through 6 were always intended to be included in the HP overlay zoning. He explained that the only thing necessary to do is to change the word "and" to "through" on the legal description.

Mr. Jackson recognized Mr. Campbell.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Campbell if he has read the standards for obtaining a certificate of appropriateness. In response, Mr. Campbell answered affirmatively.

Mr. Jackson asked Mr. Campbell if his concept plan included rhythm, scale and mass totally objective to what the standards are. Mr. Campbell stated that the standards in the COA process are subjective and he has meeting tomorrow in order to come to some understanding of what the standards mean.

Mr. Campbell stated that the problem that he is having with the subject lot is that there is no backyard to put a garage in. The neighborhood is asking that a secondary building (garage) be placed in the secondary position or back of the property and there is no back of the property. There are solutions that involve two-story houses that may meet the guidelines, but he was intending to build a one-story house (1800 SF) and he doesn't believe that there is an acceptable way to do this on the subject property, which would meet his needs.

Mr. Jackson asked Mr. Campbell if he was intending to build a house with an attached garage. In response, Mr. Campbell stated that an 1800 SF home with a detached garage is not physically possible on this property.

Ms. Bayles stated that Mr. Campbell has worked with the Preservation Commission and brought his designs forward and through the committee review. Ms. Bayles further stated that Mr. Campbell has gone the extra mile to facilitate and be receptive, sensitive and respectful of the HP overlay zoning that exists all around him, especially not knowing the outcome of the subject property.

Mr. Campbell stated that he has worked in the historic districts in the City of Tulsa for over 35 years and has been involved in the restoration of several projects. He commented that he has never owned a piece of property that was built after 1927 and he is very sensitive and aware of historic structures.

Mr. Bernard recognized Ms. Deatherage.

Mr. Bernard asked Ms. Deatherage the years she served as Chair on the Preservation Commission. In response, Ms. Deatherage stated that she served in 1992 to 1996 (two two-year terms). Mr. Bernard asked Ms. Deatherage if people were given the option to opt out of the HP overlay. Ms. Deatherage stated that there was a house-by-house poll regarding the HP overlay in 1992.

Ms. Bayles asked Ms. Deatherage if the houses that decided to opt out of the HP overlay were used as offices. In response, Ms. Deatherage answered affirmatively.

Mr. Ard asked Mr. Boulden for a legal opinion whenever it would be appropriate.

Mr. Boulden stated that obviously this case involves many maps. There are two ways to resolve this discrepancy. One is to allow the Board of Adjustment (BOA) to resolve the disputes as to what the zoning is on a particular property. Second is a legislative process and today's hearing before the Planning Commission and the City Council is another way to resolve that. As a City Attorney, Boulden's primary goal is to try to interpret the ordinances consistent with the intent of the City Council and the Mayor who approved the ordinance.

Mr. Boulden commented that he has advised the Preservation Commission and the Planning Commission staff that it is his opinion that the City Councilors look at the map and not the legal description. From that, he believes that in 1993 the City Council's intent was to zone all of Lots 1 through 6 with the HP overlay. Until the BOA makes a ruling or the ordinance is amended to clarify the discrepancy between the legal description, the ordinance and the map that was before them, he would advise that all lots are in the HP overlay. He advised that this be corrected as soon as possible to end the debate and discrepancy. Mr. Boulden concluded that this is an opinion only.

Mr. Harmon asked if the State owned the two lots the City would have any jurisdiction over it. In response, Mr. Boulden stated that the State owns many properties and they do not have to comply with the City ordinances. The City ordinances are not applicable to the State, but they can be applicable to the property. When the property is owned by the State, the ordinances do not have much effect, but as soon as that changes hands, then the ordinances are applicable to a different owner. The property can be regulated, but the State can not be.

Ms. Bayles asked Mr. Boulden if he is stating that once the lots were transferred from public to private ownership then the ordinance would have transferred to those lots. Mr. Boulden stated that the ordinance would have been applicable as soon as it was transferred from State ownership.

Ms. Bayles read the report and recommendation of the TPC on the potential designation of North Maple Ridge Neighborhood as an HP district, dated 1/7/1993, page 2.

Ms. Bayles asked Legal what remedy the Planning Commission has regarding Lots 3, 4 and 5, Block 4 that were excluded from the legal text of Lots 1 and 6. Should the Planning Commission take Lot 2 in that same consideration today or is it Legal's opinion that Lots 1 through 6 already exists within HP overlay. Mr. Boulden stated that he has advised staff to apply the HP zoning on those properties and he recommended that the Planning Commission make a definitive decision on how those properties should be zoned. Mr. Boulden further stated that the recommendation should go to the City Council in order to have a corrected ordinance consistent with the TMAPC and City Council decision.

Mr. Midget stated that more than a scrivener's error correction is needed in this case. The Planning Commission is being asked to specifically designate the excluded lots into the HP district to be consistent with the map that was approved in 1993.

Mr. Boulden stated that he wouldn't presume to tell the Planning Commission what to recommend, but he does ask that the Planning Commission recommend something.

Mr. Midget stated that he remembers this case and there is no question about the intent. He commented that he knows that the Planning Commission did not recommend that Lot 1 be in HP and then exclude Lots 2, 3, 4 and 5 and then include Lot 6. The general intent was that Lots 1 through 6 be included in the HP and it was clearly a scrivener's error. He asked if it could be simply correcting a scrivener's error or go through a rezoning hearing.

Mr. Boulden stated that both processes would correct the problem. The goal is to clarify the ordinance.

Mr. Harmon stated that he agrees with the greater concept, but an individual bought property to build himself a home and believed that the lots were out of the HP zoning.

Mr. Harmon asked Mr. Boulden if Mr. Campbell had come to him to find out if the subject properties were in or out of the HP district. Mr. Boulden stated that he would have advised him that the lots were in the HP district according to the official map at INCOG. Mr. Harmon stated that it would depend on which map one looked at. Mr. Boulden stated that the INCOG maps have always shown it to be HP since 1993 and it is the official map. Mr. Boulden further stated that the TPC had maps that were not consistent with the INCOG maps and he believes that some difficult lessons have been learned through this. Unfortunately, Mr. Campbell has had to suffer under that, and had everyone checked with the

INCOG maps, they would have determined that it was under HP zoning. Mr. Boulden stated that he pulled a map from the City Council's records and the City Clerk's which showed the lots in the HP zoning.

Mr. Midget stated that the 1993 map from the Planning Commission clearly puts the whole area in the HP zoning. It is his understanding that the staff from Development Services would have gone to INCOG's map and saw that all the lots were in the HP zoning. Mr. Midget commented that he feels comfortable based upon what the intent was in 1993.

Mr. Midget stated that he had a chance to discuss this with Councilor Baker in this district and it is unfortunate that all of the parties have found themselves in this particular situation. He believes that the Planning Commission recommended Lots 1 through 6 be in the HP overlay and there is absolutely no question in his mind what the intent really was. He hopes that everyone is able to exercise some flexibility, because this applicant wants to build a home. He commented that Mr. Campbell understands how important HP is to this neighborhood, since he has worked in areas that are historic in nature. This can be done and has been done in other HP districts.

Mr. Midget moved to recommend staff's recommendation for approval of the HP zoning for Lots 1 through 6, Block 4, and to correct the scrivener's error in Ordinance 17910.

Mr. Ard second Mr. Midget's motion.

Mr. Harmon stated that he could not support the motion. He further stated that he has a letter from Kent Schell that indicated that he doesn't remember any discussion at the TMAPC meeting of including Lots 1 and 2 within the HP district. Mr. Harmon read the letter from Mr. Schell, which was included in the TMAPC agenda packet. After reading the letter, Mr. Harmon stated that it leads him to believe that Lots 1 and 2 should be excluded from the HP district.

Ms. Bayles stated that she would point to the full text of the letter and she believes that the reason why it was not included was because clearly the TPC felt that they did not have jurisdiction over the State-owned property at that time.

Mr. Harmon stated that the reason for it not be included really doesn't particularly matter. If the property wasn't included, then it wasn't included.

Ms. Bayles stated that she believes that the reason why the property was not included is highly significant for this matter.

Ms. Bayles recognized Mr. Schell.

Kent Schell, staff to the TPC, stated that one point he would like to make is that the map that the TPC submitted to the Planning Commission in 1993 reflects the proposed boundaries for the district and reflects those that voted and polled as part of that district. The owner of Lots 1 and 2, being the State of Oklahoma (ODOT), was not polled and they did not vote.

Mr. Bernard asked if the State was given the opportunity to opt out of the HP district. In response, Mr. Schell stated that the State did not get polled nor did they vote. He explains that Lots 1 and 2 were presented as out of the HP district. He commented Lots 1 and 2 were owned by the State of Oklahoma, ODOT, and were considered right-of-way. He stated that he never witnessed, in a meeting, that Lots 1 and 2 should be included in the HP district.

Mr. Bernard asked if the State was given the opportunity to opt out. In response, Mr. Schell stated that on the boundary map it indicated who voted and Lots 1 and 2 were outside of the boundary map.

Mr. Midget stated that if one looks at the current language, it specifically includes Lot 1 and there is no question that Lot 1 was in the HP district. He indicated that is the reason he made the motion to approve the rezoning for Lots 1 through 6.

Mr. Harmon recognized Mr. Schell.

Mr. Schell stated that the Planning Commission's minutes do reflect changing boundaries to reflect commercial zoning on some of the other edges within this district. There was no discussion reflected in the minutes of any discussion of bringing Lots 1 and 2 back into this district. The large map presented in 1993 on the tripod reflected that Lots 1 and 2 being left out of the HP district.

Ms. Bayles stated that the TPC had not indication in 1993 that there would be a residence ever proposed on Lots 1 and 2. Mr. Schell stated that it was only vacated in 2002 and this was a zoning district created in 1993. He confirmed that he did not expect Lots 1 and 2 to be built upon and he did not expect it to be reviewed for HP zoning because TPC doesn't review Oklahoma right-of-way.

Ms. Bayles stated that it is her understanding that Mr. Schell was not aware that the subject property had been conveyed from public to private ownership in 2002. In response, Mr. Schell stated that he didn't know about the change in ownership.

Mr. Ard stated that he understands that there was no discussion about Lots 1 and 2 being included in the HP because it was owned by the State. In response, Mr. Schell answered affirmatively. Mr. Ard continued that this would not have been a natural course of conversation to include Lots 1 and 2 because they were owned by the State and there was no feeling that they would ever be privately owned. Mr. Schell stated that if someone had discussed including Lots 1 and 2,

then he would have had the same response as he does today. The State was not polled because it was the Oklahoma State right-of-way.

Mr. Ard asked if there were any other Oklahoma rights-of-way areas along the line that fell within the boundary of the HP overlay. In response, Mr. Schell stated that he believes that they are carefully reflected in the TPC map on Lots 3 and 4. The TPC map was carefully done to reflect the exclusion of the right-of-way. Mr. Schell commented that the map that is being referred to that includes Lots 1 through 6 is a sloppily-done map, which includes right-of-way and park land. It is not clear on some properties what lots are in and out of the district. If the INCOG map is relied upon, there will be other issues on other edges of the district.

Mr. Ard commented that it seems that at some point that the HP overlay should have encompassed Lots 1 and 2 by legal description and by documentation shown. It is not uncommon for maps to read differently from one decade to the next. It looks as though the legal description would lead one to believe that Lots 1 and 2 should be included with HP overlay with the rest of the block.

Mr. Carnes stated that he would have to agree with Mr. Harmon. It is not clear and he is certainly in agreement with everyone about the HP zoning. However, Mr. Campbell purchased the land without knowledge that the land was within the HP zoning. He commented that he does not feel comfortable with changing the zoning without the owner's permission.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **3-5-0** (Ard, Bayles, Midget "aye"; Bernard, Carnes, Harmon, Hill, Jackson "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to recommend **APPROVAL** of the HP zoning for Lots 1 through 6, Block 4, and to correct the scrivener's error in Ordinance 17910 for Z-6991 per staff recommendation.

Motion Failed.

Application No.: PUD-600-A-3

MINOR AMENDMENT

Applicant: Jeffrey Levinson

(PD-18) (CD-8)

Location: West of southwest corner of East 91st Street and South Yale

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to clarify provisions regarding construction of buildings in Reserve Areas A, B and F of PUD-600-A. No buildings may be constructed in these areas, which are to be designated as "No Building Zones". Covenants of this PUD currently reflect this prohibition, and no other PUD conditions are affected. Staff recommends **APPROVAL** of this minor amendment.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the minor amendment for PUD-600-A-3 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-578-A

**DETAIL SITE PLAN and
LANDSCAPE PLAN**

Applicant: Poe & Associates/Hollis Allen, Jr.

(PD-26) (CD-8)

Location: North and west of northwest corner of East 111th Street South and South Memorial Drive.

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new Wal-Mart SuperCenter. The proposed use, Use Unit 14, Shopping Goods and Services, is in conformance with development standards.

The proposed building meets setback and floor area restrictions. The 36'10" and 38' architectural features located over the two main entrances exceed permitted height, but may be approved by TMAPC per detail site plan review. Internal lot and street yard landscaping, parking and parking lot lighting meet minimum requirements per the Zoning Code and development standards.

Sidewalks are required along the 111th Street and Memorial Drive frontages. A protected pedestrian-way connects the Wal-Mart SuperCenter with adjacent businesses along Memorial Drive frontage and a mutual access easement runs from north to south between these businesses and the Wal-Mart SuperCenter parking lot as designated in the approved preliminary plat.

Staff recommends **APPROVAL** of PUD 578-A detail site and landscape plan contingent upon provision of sidewalks along the East 111th Street South and South Memorial Drive frontages.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the detail site plan and landscape plan for PUD-578-A per staff recommendation.

Application No.: PUD-670

DETAIL SITE PLAN

Applicant: Ricky Taylor

(PD-6) (CD-9)

Location: South of the southwest corner of East 31st Street South and South Rockford Drive

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new detached single-family residence. The proposed use, Use Unit 6, Single-Family Dwelling, is in conformance with development standards.

Per development standards, "detail site plan review shall be required for lots greater than 335 feet from the centerline of 31st Street South" - Lot 6 falls within this area. The proposed dwelling meets setback and livability space requirements. Building elevations were not provided.

Staff recommends **APPROVAL** of PUD-670 detail site plan contingent upon compliance with building height restrictions.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Dick, Horner "absent") to **APPROVE** the detail site plan, subject to compliance with building height restrictions per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 3:31 p.m.

Ms. Bayles reconvened at 3:35 p.m.

Mr. Boulden instructed the Planning Commission that procedurally there should have been an additional motion to deny the HP zoning for zoning case Z-6991.

Mr. Carnes suggested that it would be best to place the reconsideration question on another meeting for Z-6991.

Ms. Hill and Mr. Bernard agreed with Mr. Carnes.

Mr. Boulden stated that it can be put on the next meeting as to being reconsidered and then set it for a meeting with a renote.

Mr. Boulden recommended that the Z-6991 be continued to a date certain for an alternate motion and then take up an alternate motion at that time.

Ms. Bayles referred to a letter written and submitted by Janice Nicklas requesting that the TPC take action regarding this issue and that is the procedural thing that should be done.

Mr. Alberty stated that it is really TPC's position to bring this issue to the Planning Commission. Since there wasn't a recommendation from the TPC, then the issue should come from the TPC with a recommendation. He suggested that the Planning Commission take no further action until the TPC request the Planning Commission to do so. The Chairman of the TPC stated earlier that if the Planning Commission wanted them to make a recommendation, then they would do so.

After a lengthy discussion it was determined that the TPC should bring this issue back to the Planning Commission and request that Lots 2, 3, 4 and 5 back into the HP district.

There being no further business, the Chair declared the meeting adjourned at 3:42 p.m.

Date Approved:

7/20/05

Stacey M. Bayles

Chairman

ATTEST:

Wesley M. Brown

Secretary

