

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2448

Wednesday, June 7, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

| <b>Members Present</b> | <b>Members Absent</b> | <b>Staff Present</b> | <b>Others Present</b> |
|------------------------|-----------------------|----------------------|-----------------------|
| Ard                    | Bayles                | Alberty              | Boulden, Legal        |
| Bernard                | Cantees               | Chronister           |                       |
| Carnes                 | Midget                | Huntsinger           |                       |
| Collins                |                       | Matthews             |                       |
| Harmon                 |                       |                      |                       |
| Hill                   |                       |                      |                       |
| Jackson                |                       |                      |                       |
| Wofford                |                       |                      |                       |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 1, 2006 at 2:27 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Bernard called the meeting to order at 1:33 p.m.

Chairman Bernard read the rules and procedures for the TMAPC public hearing.

**Mr. Wofford in at 1:34 p.m.**

### **Minutes:**

#### **Approval of the minutes of May 3, 2006 Meeting No. 2445**

On **MOTION** of **HILL**, the TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of May 3, 2006, Meeting No. 2445.

### **Minutes:**

#### **Approval of the minutes of May 17, 2006, Meeting No. 2446**

On **MOTION** of **HILL** the TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of May 17, 2006, Meeting No. 2446.

## **REPORTS:**

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

Mr. Bernard reported that he has an opening on the Transportation Policy Committee Board and if anyone is interested serving on this as a representative of the TMAPC please let him know.

### **Worksession Report:**

Mr. Bernard reported that there was a worksession last Wednesday to tour the East Tulsa area and review the East Tulsa Plan.

Ms. Hill thanked all of the Planning Commissioners who took the time out of their busy schedules to take the tour. The tour was very informative and beneficial, and hopefully, it will help to speed along the East Tulsa Phase I Plan. Ms. Hill concluded by stating that East Tulsa is open for business and new housing divisions and businesses are welcomed.

Mr. Alberty asked the Planning Commission if they would like another worksession for the East Tulsa Plan or go directly to a public hearing.

Mr. Bernard stated that the tour was very explanatory and he doesn't know if another worksession is needed.

Ms. Hill asked Ms. Matthews if she thought it should go back to worksession. In response, Ms. Matthews stated that staff has drafted some potential plan amendments for the District 17 Plan and this could be done on July 26<sup>th</sup> for public hearing if the Planning Commission wishes.

Ms. Hill stated that staff would have time to get the amendments ready and get them to the East Tulsa members to look at prior to the public hearing.

Ms. Matthews stated that she has mailed the potential amendments to Steve Carr and trusts that he will get them to the East Tulsa members. Ms. Hill stated that she is all for another meeting. Ms. Matthews stated that she would get the notice written and published.

Mr. Harmon asked Ms. Hill if she is suggesting that there be a worksession or a public hearing. Ms. Hill stated that she is proposing another worksession in order to review the amendments.

Ms. Matthews stated that she would work with Steve Carr and set up a worksession.

Mr. Bernard reported that there have been several items added to worksessions by Ms. Bayles and staff is scheduling those.

Mr. Alberty reported that there will be a meeting held June 13, 2006 at 6:00 p.m. to 8:00 p.m. to receive input from the public with regards to the proposed Zoning Code amendments. Mr. Alberty reemphasized that this is will not be a Planning Commission meeting nor a worksession meeting. This is simply a meeting that will be held in the Francis Campbell City Council Room. This is primarily for staff to receive comments and if the Planning Commissioners can and want to attend to hear these comments, they are certainly welcome, but it will not be a meeting where there will be any action taken and there will not be any required quorums. There will be a public hearing on June 28, 2006 to consider the list of amendments.

Mr. Bernard asked how the June 13<sup>th</sup> meeting would be conducted. In response, Mr. Alberty stated that staff would conduct the meeting. The meeting will open at 6:00 p.m. and Barbara Huntsinger will be present to record and take the minutes. Those comments received will be taken under consideration by staff. This meeting is not scheduled to be broadcast on TGOV.

**Director's Report:**

Mr. Alberty reported on the City Council agenda and the cases that will be heard.

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Mr. Bernard stated that the following items have requested continuances:

|                                   |                     |
|-----------------------------------|---------------------|
| <b>Application No.: Z-7023</b>    | <b>RS-3 to RM-2</b> |
| <b>Applicant:</b> Keli Hearon     | (PD-6) (CD-4)       |
| <b>Location:</b> 1617 South Lewis |                     |

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to July 26, 2006.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **CONTINUE** Z-7023 to July 26, 2006.

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**Application No.: CZ-375/PUD-731**                      **AG to CG/PUD**

**Applicant:** Jeffrey Levinson                      (County)

**Location:** Northeast corner East 151<sup>st</sup> Street and South Lewis Avenue

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to June 21, 2006.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **CONTINUE** CZ-375 and PUD-731 to June 21, 2006.

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**Application No.: Z-7026**                      **CS to IL**

**Applicant:** Gail R. Runnels                      (PD-17) (CD-6)

**Location:** 14002 East 21<sup>st</sup> Street

The applicant has withdrawn this application.

**WITHDRAWN.**

Mr. Boulden stated that he noticed that there was a request for a refund and the Planning Commission can act on the refund today or list it on another agenda.

**TMAPC COMMENTS:**

Ms. Hill asked if it would be a full refund or a partial refund.

Mr. Alberty stated that he is asking for a refund. Staff has done all of the work on this item and the funds have been spent. This case was ready for a public hearing and the applicant withdrew at the last minute.

Mr. Alberty stated that in the past there would be a refund for the public hearing portion, but he is unsure of how to calculate it. Staff recommends that there be no refund of fees because from staff's standpoint, all of the work was done.

Mr. Jackson asked if the applicant withdrew this application due to pressure from interested parties. In response, Mr. Alberty stated that the applicant didn't give an explanation.

**Mr. Collins in at 1:48 p.m.**

Mr. Jackson suggested refunding the money minus the postage and the sign. Mr. Alberty asked Mr. Jackson if he is suggesting half of the application fee minus the mailing, signs and advertising.

Mr. Bernard stated that staff has done the work and there are staff hours invested in processing paperwork.

Mr. Ard asked Mr. Alberty to give the Planning Commission some history on what has been typically done regarding refunds.

Mr. Alberty stated that in the past the public hearing fee was broken out of the total fees and that is no longer done and there is no way to ascertain what portion of the fee is actually attributed to the public hearing. The difference is, in the past the fees were much smaller than now. Mr. Alberty stated that this application was approximately \$1900.00. This fee is charged according to the work that staff does prior to the meeting, compiling reports, recommendations and providing notices and staff's time to prepare the notices, etc. All of the work required by law and work necessary for the Planning Commission has been done and the only thing that remains to be done is the public hearing. The only thing is that during a hearing, there would be minutes for the case, but since it is withdrawn, there will not be minutes except for this discussion.

Mr. Ard stated that he is interested in Mr. Jackson's idea of giving the applicant half of the fees back since the work has been done and time has been put in on this case. Mr. Ard suggested that the applicant be charged for the work and time spent.

Mr. Bernard stated that payroll dollars have been allocated to this project that would have to be recouped if it were refunded.

Ms. Hill stated that in the past there have been refunds with a portion of the money given back.

Mr. Alberty stated that it would depend on how soon the application was withdrawn. If a case is withdrawn early, before staff spends time on it, then typically the applicant would be refunded everything except the advertising and out-of-pocket expenses. In this case, the withdrawal came in at the 11<sup>th</sup> hour.

**TMAPC Action; 8 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 7-0-1 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; Collins "abstaining"; Bayles, Cantees, Midget "absent") to **DENY** the refund request for Z-7026.

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Ms. Chronister reminded Mr. Bernard that Item 8 has also requested a continuance.

**Silver Ridge** – (8309) (PD 18) (CD 8)

North of the northwest corner of East 75<sup>th</sup> Street South and Yale Avenue  
**(Continue to August 2, 2006)**

**STAFF RECOMMENDATION:**

Applicant has requested a continuance to August 2, 2006.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees Midget "absent") to **CONTINUE** the preliminary plat for Silver Ridge to August 2, 2006.

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**SUBDIVISIONS:**

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

**L-19950** – Sack & Associates, Inc. (8324) (PD 26) (CD 8)

East side of 84<sup>th</sup> East Avenue at East 98<sup>th</sup> Street South

**L-19960** – Arthur Hershberger (0225) (PD 2) (CD 1)

1930 North Madison Avenue

**L-19962** – John Vanaman (1323) (County)

7935 East 86<sup>th</sup> Street North

**L-19964** – Stephen Capron (8323) (PD 18) (CD 8)

9318 South 73<sup>rd</sup> Place

**L-19966** – Barry Simpson (9218)  
6735 West 26<sup>th</sup> Street

(County)

**STAFF RECOMMENDATION:**

All of these lot-splits are in order and staff recommends **APPROVAL**.

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

**TMAPC Action; 8 members present:**

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

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**LOT COMBINATION FOR RATIFICATION OF PRIOR APPROVAL:**

**LC-18** – Dewey Miller (9230)  
6850 West 41<sup>st</sup> Place

(County)

**STAFF RECOMMENDATION:**

This lot-combination is in order and staff recommends **APPROVAL**.

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

**TMAPC Action; 8 members present:**

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

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**PLAT WAIVERS:**

**BOA- 20248-** (8313)

(PD-18) (CD-8)

8621 South Memorial Drive

**STAFF RECOMMENDATION:**

***Staff provides the following information from TAC at their May 18, 2006 meeting:***

***ZONING:***

TMAPC Staff: The plat waiver is for property zoned AG. The Board of Adjustment approved a school use on the property on April 25, 2006, which triggered the platting requirement. There is no plan for any new exterior construction and there is an existing "Higher Dimensions" subdivision filed for the property.

***STREETS:***

Sidewalk requirement is supported. May need a change of access. Verify a license agreement for the parking encroachment.

***SEWER:***

No comment.

***WATER:***

No comment.

***STORM DRAIN:***

Both FEMA and City of Tulsa regulatory floodplain extend outside the platted restricted drainage area. These floodplains must be placed in an overland drainage easement. This can be done by separate instrument.

***FIRE:***

No comment.

***UTILITIES:***

No comment.

Staff can recommend **APPROVAL** the plat waiver requested because of the existing plat for the site.

***A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:***

- |  | <b>Yes</b> | <b>NO</b> |
|--|------------|-----------|
| 1. Has Property previously been platted?                                 | X          |           |
| 2. Are there restrictive covenants contained in a previously filed plat? | X          |           |

3. Is property adequately described by surrounding platted properties or street right-of-way? X

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

|   | YES | NO |
|---|-----|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan?  |     | X  |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?  |     | X  |
| 6. Infrastructure requirements:   |     |    |
| a) Water  |     |    |
| i. Is a main line water extension required?   |     | X  |
| ii. Is an internal system or fire line required?  |     | X  |
| iii. Are additional easements required?   |     | X  |
| b) Sanitary Sewer   |     |    |
| i. Is a main line extension required?   |     | X  |
| ii. Is an internal system required?   |     | X  |
| iii. Are additional easements required?   |     | X  |
| c) Storm Sewer  |     |    |
| i. Is a P.F.P.I. required?  |     | X  |
| ii. Is an Overland Drainage Easement required?  |     | X  |
| iii. Is on site detention required?   |     | X  |
| iv. Are additional easements required?  | X   |    |
| 7. Floodplain   |     |    |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?   | X   |    |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?   | X   |    |
| 8. Change of Access   |     |    |
| a) Are revisions to existing access locations necessary?  |     | X* |
| 9. Is the property in a P.U.D.?   |     | X  |
| a) If yes, was plat recorded for the original P.U.D.?   |     |    |
| 10. Is this a Major Amendment to a P.U.D.?  |     | X  |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?  |     |    |
| 11. Are mutual access easements needed to assure adequate access to the site?   |     | X  |
| 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? |     | X  |

\* In the future a change of access may become necessary.

**TMAPC COMMENTS:**

Mr. Ard asked if the Planning Commission were to approve the plat waiver would the applicant be required to install sidewalks along the Memorial frontage.

Mr. Alberty stated that unless it is specifically requested and the Planning Commission takes action on it, then those requirements will be intact. The plat waiver is only for the specific things that the applicant has requested. Staff is requiring sidewalks to be installed.

Mr. Ard confirmed that sidewalks would be required if the platting requirement was waived.

Mr. Alberty stated that if the Planning Commission waived the plat there may be some implied jurisdiction over the requirement that the plat requires the sidewalk to be improved. The Planning Commission may want to waive the plat with those requirements that could be enumerated.

Mr. Ard stated that he would make a motion for approval of the plat waiver with the inclusion that sidewalks be required.

Mr. Harmon stated that he would second the motion with the sidewalk requirements.

Mr. Boulden stated that the Planning Commission is only dealing with a plat waiver and all of the Subdivision Regulations would apply unless specifically waived.

Mr. Boulden stated that requiring sidewalks within the motion makes it clear and it wouldn't hurt to include the dedication of the overland drainage easement.

Mr. Ard amended his motion to include the dedication of overland drainage easement.

Mr. Harmon seconded.

**Applicant's Comments:**

**Darin Akerman**, Sisemore, Weisz and Associates, 6111 East 32<sup>nd</sup> Place, Tulsa, Oklahoma 74135, representing Regents School, stated that this did receive Board of Adjustment approval. The applicant will be using the existing building and there are no enlargements of buildings. The existing building will be dressed up and remodeled.

Mr. Akerman stated that the subject property was platted when it was Higher Dimensions twelve or fifteen years ago. There doesn't seem to be any documentation with the City that the hydrologists reviewed it; however, it does appear that it has been appropriately engineered. A new hydrology study may be in order for the subject site to determine the areas that should be dedicated for overland drainage.

Mr. Akerman stated that the use will be for school and there will be no major improvements other than remodeling the inside of the building. This is small school and they have stretched their budget to afford this site. He expressed concerns of having to install a sidewalk. His client went along with the requirements of dedication of overland drainage easements where needed and a waiver of the sidewalks.

**TMAPC COMMENTS:**

Mr. Boulden stated that he has looked at the ordinances on plat waivers and it allows the Planning Commission to impose certain conditions on a plat waiver.

Mr. Ard stated that he is confused on the drainage issue.

Mr. Alberty stated that the motion should be, the Planning Commission chooses, to waive the plat subject to a separate instrument being filed depicting the overland drainage easement and that waiver is not waiving the requirement to put sidewalks in and that sidewalks will be required.

Mr. Ard restated his motion to approve the plat waiver with a requirement that sidewalks included and not excluded from the waiver and that the overland drainage easement be defined by separate instrument.

Mr. Harmon second.

Mr. Alberty expressed concerns that the motion could be interpreted that the sidewalks are being waived. He suggested that the motion state that sidewalks will be required.

Mr. Boulden stated that the motion could approve the plat waiver, subject to the condition that overland drainage easement be dedicated by separate instrument and sidewalks be required.

Mr. Ard amended his motion.

Mr. Jackson recognized Mr. Akerman.

Mr. Akerman stated that his client has a building permit pending at City Hall and they would like to start the remodeling efforts. School starts soon and they would like to get this started as soon as possible. He asked if the sidewalk installation and the overland drainage easement could be within a 90- or 120-day period of time so it wouldn't hold up the issuance of a building permit.

Mr. Jackson stated that this wouldn't hold up a building permit, but it would hold up the Certificate of Occupancy.

Mr. Alberty stated that the requirements could be tied to the opening of the school.

Mr. Akerman expressed concerns that if the overland drainage study posed problems that would have to be addressed the timing could be four months. The sidewalk could definitely be installed by the start of school, but if map amendments have to be done then he guesses he could come back before the Planning Commission.

**TMAPC Action; 8 members present:**

On amended **MOTION** of **ARD**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** the plat waiver for BOA-20248 subject to overland drainage easement being dedicated by separate instrument and sidewalks be required.

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**Z-6493 – (9336)**

(PD 18) (CD 7)

6040 South Mingo Road

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a rezoning to IL in 1995.

***Staff provides the following information from TAC at their May 18, 2006 meeting:***

**ZONING:**

TMAPC Staff: The plat waiver is for property zoned IL.

**STREETS:**

Access restrictions may be required.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORM DRAIN:**

Nearly the entire lot is located in a FEMA AE floodplain. (Base flood elevations determined.)

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat for the site.

**A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:**

|   | Yes | NO |
|---|-----|----|
| 1. Has Property previously been platted?  | X   |    |
| 2. Are there restrictive covenants contained in a previously filed plat?                      |     | X  |
| 3. Is property adequately described by surrounding platted properties or street right-of-way? | X   |    |

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

|  | YES | NO |
|--|-----|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan?                   |     | X  |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? |     | X  |
| 6. Infrastructure requirements:  |     |    |
| a) Water   |     |    |
| i. Is a main line water extension required?  |     | X  |
| ii. Is an internal system or fire line required?   |     | X  |
| iii. Are additional easements required?  |     | X  |
| b) Sanitary Sewer  |     |    |
| i. Is a main line extension required?  |     | X  |
| ii. Is an internal system required?  |     | X  |
| iii. Are additional easements required?  |     | X  |
| c) Storm Sewer   |     |    |
| i. Is a P.F.P.I. required?   |     | X  |
| ii. Is an Overland Drainage Easement required?   |     | X  |
| iii. Is on site detention required?  |     | X  |
| iv. Are additional easements required?   |     | X  |
| 7. Floodplain  |     |    |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                                  | X   |    |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?  | X   |    |
| 8. Change of Access  |     |    |
| a) Are revisions to existing access locations necessary?   |     | X  |

- 9. Is the property in a P.U.D.? X  
a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X  
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** the plat waiver for Z-6493 per staff recommendation.

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**FINAL PLAT:**

**75 South Mini-Storage (formerly A Safe Place Storage) – (PD 8) (CD 2)**  
(8214)

Northeast Corner of West 91<sup>st</sup> Street and Union Avenue

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 8.34 acres.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** the final plat for 75 South Mini-Storage per staff recommendation.

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**Sequoyah Hill (revised) – (8333)**

(PD 26) (CD 8)

East of Delaware at East 116<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

This plat consists of 20 lots in two blocks on 9.99 acres.

Staff has not received a release letter from the telephone company. Staff recommends a continuance to June 21, 2006.

**TMAPC COMMENTS:**

Mr. Ard asked if this is a gated community. In response, Ms. Chronister stated that it is not located within a PUD and it can't be a gated community. Mr. Ard stated that it shows a private drive.

Mr. Alberty stated that the access is actually through a subdivision to the south and it is gated.

**Applicant's Comments:**

Clark Neely, Iron Horse Development, stated that Southwestern Bell Company was given the information, but they haven't released it at this time. He doesn't know the exact problem.

In response to Mr. Jackson, Ms. Chronister stated that it is the engineer's responsibility to contact the utility companies and get the release letters in. Two weeks should be enough time to do this.

**TMAPC Action; 8 members present:**

On **MOTION** of **JACKSON**, TMAPC voted **8-0-0** (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Bayles, Cantees, Midget "absent") to **CONTINUE** the final plat for Sequoyah Hills to June 21, 2006.

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**PRELIMINARY PLAT:**

**Hutcherson YMCA – (0236)**

(PD 2) (CD 1)

Southwest corner of East Pine Street and Peoria Avenue

**STAFF RECOMMENDATION:**

This plat consists of four lots, four blocks, on 5.8 acres.

The following issues were discussed May 18, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 722. All PUD requirements must be met.
2. **Streets:** Discuss R/W agreement to ONG regarding the 12-foot strip on Pine. Delineate and label Highway 75 right-of-way, and include limits of no access continuous across public street and alleyway rights-of-way. Include Highway 75 right-of-way in limits of no access language. Include ALL of the alley within the proposed vacation in Block 1 and show centerline with document number. Discuss the alley in Block 2. Verify that TDA dedicated the 20-foot strip along Pine to the City for right-of-way.
3. **Sewer:** Section 1H – Sanitary Sewer Easement – Replace the word “storm” with Sanitary Sewers”. The portion of the existing line that will be vacated can not be abandoned in place. It must be either removed or filled as part of the SSID project. The new line must be complete and functioning before a building permit can be issued for the proposed building located over the existing sewer line.
4. **Water:** Show the existing two-inch water main along Owasso Avenue and Oklahoma Street.
5. **Storm Drainage:** Additional storm sewer easements must be added for pipes which extend into the public rights-of-way and easements or connect to the public drainage system. The easements should be a minimum of 15 feet in width and should include the area around the last upstream drainage structure and an area centered on the storm sewer pipe, from that structure to the utility easement or right-of-way line.
6. **Utilities: PSO, ONG, Cable:** Additional easements may be necessary.
7. **Other: Fire:** The building will be required to be sprinkled per IBC. Fire hydrants meet the 600-foot spacing requirements if the building is sprinkled. Properly dimension property lines. Modify the final legal by including the alley to be vacated in Block 1. Verify the dimension of the west half of the vacated alley in Block 3 as either 10 feet or 7.50 feet east of Lot 16.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** preliminary plat for Hutcherson YMCA, subject to special conditions and standard conditions per staff recommendation.

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**University of Tulsa Block 4 – (9305)**

(PD 4) (CD 4)

East 8<sup>th</sup> Street to East 11<sup>th</sup> Street , Delaware to Evanston

**STAFF RECOMMENDATION:**

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

The following issues were discussed May 18, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under CH and RM-2 zoning.
2. **Streets:** Street rights-of-way and closures are not adequately shown, dimensioned, nor documented. Provide for a 30-foot intersection radius. Document the exterior arterial right-of-way. Document and show the centerlines of vacated right-of-way.
3. **Sewer:** Several areas designated as utility easement need dimensions shown on the face of the plat. Where the sanitary sewer encroaches into Reserve A, additional easement will be required, or the entire Reserve A must be dedicated as utility easement. Add appropriate language for Reserve A. The proposed building in Lot 5 encroaches into the utility easement where the sanitary sewer is located. This will not be allowed to occur.
4. **Water:** From the 15-foot SSE a 20-foot restricted water line easement will be required.

5. **Storm Drainage:** Is there 10<sup>th</sup> Street right-of-way or storm sewer easement for the existing storm sewer that is located under 10<sup>th</sup> Street? There needs to be a storm sewer easement from the westernmost manhole in the proposed easement to the new manhole and trench inlet on the existing 10<sup>th</sup> Street storm sewer system. Paved areas and roof drainage must be collected and piped to the adjacent public storm sewer system. No additional inlets or storm sewers were shown on this plan.
6. **Utilities: ONG, Cable:** Okay.
7. **Other: Fire:** 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet six inches. South Evanston Drive appears to be designed with parking on both sides with a clear width of approximately 13 feet between, this width shall be a minimum of 20 feet. **GIS:** Finish dimensioning all lot lines and easements. Clarify the basis of bearing. Show the point of beginning on plat. Dimension various lot lines along the west side of Lots 3 and 4.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** the preliminary plat for University of Tulsa Block 4 subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

**University of Tulsa Block 6** – (9305)

(PD 4) (CD 4)

East 8<sup>th</sup> Street to East 11<sup>th</sup> Street, College to Florence

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 5.5 acres.

The following issues were discussed May 18, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 and RM-2.
2. **Streets:** Same comments as for Block 4. Include 30-foot radius at arterial intersections. Document the existing arterial right-of-way. Document and show the centerlines of vacated right-of-way.
3. **Sewer:** Remember that the proposed relocation of the existing sanitary sewer must be complete and operational before a work order can be issued for any building over the existing sanitary sewer line. Also, the portion of the existing line that will be retained must be inspected by the City of Tulsa, underground collections, before the project can progress. If rehab is required, it will be done at the owners' expense.
4. **Water:** Show the existing two-inch water main from Harvard Avenue and the easement. Label the two-inch line if it is being abandoned.
5. **Storm Drainage:** Stormwater detention will be required for all additional runoff from this site. Add standard language for stormwater detention maintenance. All runoff from the buildings and paved area must be collected and piped to the adjacent public drainage system. Additional runoff must be piped to an on-site stormwater detention facility.
6. **Utilities: ONG, Cable:** Okay.
7. **Other: Fire:** 503.2.5. Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The parking lot on the south end of the project ends in a dead-end over 150 feet, provide an approved area for turning around or a drive onto 11<sup>th</sup> Street similar to Block 4 project. An approved gate can be installed if Fire Department only access is desired. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

### **Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** the preliminary plat for University of Tulsa Block 6 subject to special conditions and standard conditions per staff recommendation.

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**Mr. Harmon out at 2:16 p.m.**

**University of Tulsa Block 7 – (9305)**

(PD 4) (CD 4)

East 4<sup>th</sup> Place to East 5<sup>th</sup> Place, Gary Place to Harvard

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 4.1 acres.

The following issues were discussed May 18, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 and RM-2.
2. **Streets:** Provide for a 30-foot intersection radius. Document the existing arterial right-of-way. Document and show the centerlines of vacated right-of-way.
3. **Sewer:** Add distances and bearings on the proposed 15-foot sanitary sewer easement and tie the beginning points to the property corner. Existing lines can not be abandoned in place. They must be removed or filled. New manholes over existing lines must be included in the SSID project. The remaining existing sanitary lines must be inspected and approved by the City of Tulsa underground collections. If rehab is required, then it will be at the owners' expense. Remember, all eight-inch service lines must be constructed as an SSID.
4. **Water:** Show the size of the easement for the six-inch water main with book and page number. Label the easement for the existing six-inch water line along South College Avenue.
5. **Storm Drainage:** Stormwater detention will be required for all additional runoff from this site. Is there an easement to be vacated for the storm sewer system that is being removed? Add standard language for stormwater detention maintenance. All runoff from the buildings and paved area must be collected and piped to the adjacent public drainage system. Additional

runoff must be piped to an on-site storm water detention facility.

6. **Utilities: ONG, Cable:** Okay.

7. **Other: Fire:** 508.5. Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6. 508.5.1. where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet. A hydrant located at the intersection of 5<sup>th</sup> Place and Gary Place would provide a hydrant within 600 feet and satisfy the requirement. 503.2.5 dead-ends. Dead-end Fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. The parking lot on the north end of the project ends in a dead-end over 150 feet in length shall be provided with an approved area for turning around fire apparatus. The parking lot on the north end of the project ends in a dead-end over 150 feet, provide an approved area for turning around or a drive onto east 4<sup>th</sup> Place similar to Block 4 project. An approved gate can be installed if fire department only access is desired. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. **GIS:** Show point of beginning. Dimensions along Harvard should be compatible with the dimensions in the legal. Finish dimensioning all lot lines and easements. Clarify the basis of bearing. Show the point of beginning on plat.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

### **Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Collins, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Harmon, Midget "absent") to **APPROVE** the preliminary plat for University of Tulsa Block 7 subject to special conditions and standard conditions per staff recommendation.

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**Mr. Harmon in at 2:18 p.m.**

**MINOR SUBDIVISION PLATS:**

**RBSS** – (8318)

(PD 18) (CD 2)

South of the southeast corner of East 81<sup>st</sup> Street South and Yorktown Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 2.4 acres.

The following issues were discussed May 18, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD-684-A.
2. **Streets:** Sidewalk requirement on Yorktown is supported. No objection to minor plat.
3. **Sewer:** No comment.
4. **Water:** If a water main extension is required then a looped water line would be required in a 20-foot restricted waterline easement.
5. **Storm Drainage:** A building line cannot be allowed within the existing stormwater drainage and detention easement; the existing easement must be modified. Please label the floodplain as "proposed Fred creek 100 year FEMA floodplain" to agree with the Conditional Letter of Map Revision for Fill (CLOMR-F). Does this subdivision have any responsibility for the maintenance of the stormwater detention facility that they are draining to? If they do, then please add the standard language for stormwater detention maintenance, and state what portion of the maintenance they are responsible for. Add Fred Creek to the label for the existing floodplain.
6. **Utilities: ONG, Cable:** Additional easements are needed.

7. **Other: Fire:** 508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.6. 508.5.1 where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route shall be provided where required by the fire code official. Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.

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

**Waivers of Subdivision Regulations:**

1. A waiver to sidewalk requirements is requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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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. Bernard asked staff to explain if the sidewalks would be required around the entire perimeter of the subject site. In response, Ms. Chronister stated that it would only be required on the collector street.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, representing the owner of the property, stated that Mr. Leinbach has submitted a letter to the Planning Commission expressing his concern regarding the sidewalk issue. Mr. Johnsen cited the history of the property and ownership.

Mr. Johnsen stated that he doesn't believe the sidewalk would serve any purpose. He commented that the street system is fully developed and this plat does not dedicate any right-of-way for streets and doesn't include the public part of Yorktown and this would make an off-site requirement. He believes this is outside of the scope of the concept for sidewalk requirements pursuant to subdivision plats that are dedicating streets and creating lots that would need access, which is not the case today. The subject property is 2.5 acres and is approved for mini-storage use. A person visiting a mini-storage doesn't have a reason for a sidewalk and no one nearby, unless perhaps it is people living in the apartment complex rented a space in the facility. Most people will be in a vehicle to take or remove something.

Mr. Johnsen demonstrated the flow of foot traffic that could possibly take place. He explained that there would be a short span of sidewalk that really doesn't go anywhere and is totally unrelated to the proposed use.

Mr. Johnsen proposed that his client would agree to install a sidewalk if the adjacent property develops. He doesn't expect the adjacent property to develop due to drainage issues.

Mr. Johnsen concluded that the mini-storage is not creating a need for a sidewalk. The street was built under the standards that were existing at the time with a 60-foot right-of-way and 36 feet of paving with little pedestrian movement. Mr. Johnsen stated that there is a path on Riverside and someone on a bicycle or pedestrian could walk to that, but one can get to 81<sup>st</sup> Street very simply and there is a sidewalk on 81<sup>st</sup> Street. Mr. Johnsen further stated that there is no basis for the sidewalk and he believes it should be waived.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Johnsen if his client owned the vacant property. In response, Mr. Johnsen answered affirmatively. Mr. Johnsen stated that it is approved for apartment use, but he doesn't believe it will ever be built.

Mr. Jackson asked staff how they felt about the sidewalk being required if the adjacent property was developed.

Mr. Alberty stated that it is a noble offer, but there is no way to control that. The ownership could change and it is only a verbal commitment. He commented that he knows Mr. Johnsen and Mr. Leinbach are reputable, but there is no way to impose a requirement on the future development. The issue is that the requirement is now here and the two previous cases are similar situations and it is a matter of whether the Planning Commission will be consistent or start finding areas to waive it.

Mr. Jackson asked how many feet would be involved. In response, Mr. Johnsen stated that it would be 372 feet. Mr. Jackson asked Mr. Johnsen if Mr. Leinbach will own the mini-storage or will someone else own it. Mr. Johnsen stated that it will be Mr. Leinbach's and the owners of the apartment project.

Mr. Johnsen stated that he believes that the facts are different for this subject property than the cases heard earlier. This is not an arterial street and it doesn't go anywhere or connect to anything. He doesn't believe there will be any demand for a sidewalk and it is a low traffic area. The apartment complex has a principal access to 83<sup>rd</sup> Street and that is where the bus traffic picks up the children. The other street is a secondary access and a limited use and he doesn't believe anything about this plat triggers the sidewalk requirement.

Mr. Wofford asked Mr. Johnsen if there is an area from the east end of the sidewalk, where it comes up to the shopping center, could be extended to 81<sup>st</sup> from that point. In response, Mr. Johnsen stated that it could and it comes in at an angle and there is a ten-foot screening wall. Mr. Wofford asked if north from the ten-foot screening wall could there be a sidewalk on that side of the street to 81<sup>st</sup> Street, is there room for that. In response, Mr. Johnsen stated that it looks questionable and he is not sure where the right-of-way falls on that tract because his client doesn't own that tract. The shopping center that fronts Lewis owns the property Mr. Wofford is discussing.

Mr. Carnes asked Mr. Boulden, Legal, what could legally be done to state that the sidewalk would be added after the development of the adjacent land. In response, Mr. Boulden stated that the Planning Commission could require a bond of some sort to be put into escrow for construction in the future. A requirement could be put in the covenant on the plat, but it is difficult to enforce without going to court.

Mr. Johnsen stated that Mr. Boulden's suggestion is not uncommon to require as a condition of any kind of waiver. The Planning Commission could make it a condition of waiving the sidewalk requirement that it be included in the deed of dedication a covenant enforceable by the City that in the event that the development of the adjoining property the sidewalk would be installed on the subject property. It is enforceable like any PUD condition or other restrictions placed in the covenants.

Mr. Boulden stated that what Mr. Johnsen is suggesting is enforcement at the tail end if there is no compliance and it is only a covenant, which is a judgment call on how one prefers to enforce it.

Mr. Jackson stated that the applicant will be pouring 40,000 SF of pads and 100,000 SF of drives and what is the principal of not wanting to install a sidewalk that is 1200 SF. The 1200 SF of sidewalk is not going to break the budget of the development.

Mr. Johnsen stated that it is not a money issue. In response, Mr. Jackson asked if it is a practicality point he is making. Mr. Johnsen stated that it is more of the concept that it doesn't serve any purpose.

Mr. Johnsen stated that he doesn't have any dispute with staff because they are committed to sidewalks in every instance. The Subdivision Regulations work great in most instances. However, it doesn't seem appropriate to enforce them where people have proceeded with development, with streets and sidewalks in accordance with the regulations that were existing and then the law is changed and someone comes in to develop something that has nothing to do with sidewalks. The sidewalk is not needed and it serves no purpose.

Mr. Wofford stated that every requirement is new at some time. Just because the subject property was platted and went through the process in the 1970s, if it had gone through in the 1950s, it would have been different. The fact that it has changed seems like a nonstarter. Mr. Johnsen's argument doesn't seem to hold water because ten years from now, it could be different and we could be looking back.

Mr. Johnsen stated that the point he is trying to make is that in the initial platting, Yorktown was reviewed, studied, approved and constructed. This isn't a part of Yorktown. The right-of-way is there with 36 feet of paving and the City has full authority to come in and put in a sidewalk.

Mr. Jackson stated that at every meeting we have the conversations for infill opportunities with the sidewalk situations. Other jurisdictions, such as Broken Arrow, have required sidewalks everywhere. How is the Planning Commission going to focus in and give some clear understanding of what our position is for infill and sidewalks that do not go anywhere at this time? He asked staff if they could give some direction to the applicant so this battle wouldn't have to continue.

Mr. Alberty stated that as long as the Planning Commission has a requirement, and especially a new requirement that was heavily controverted, this discussion will continue. Mr. Alberty explained that when he was on the staff in 1976, this standard requirement was proposed and not adopted. It is a situation that has hung out there and it is a requirement that has now been made. Until it is a consistent requirement, then the Planning Commission will continue to receive requests for waivers. As soon as it becomes apparent that this Planning Commission is not going to waive these requirements, then he believes the requests for waivers will go away. He suggested that the requirement, based upon whether or not the property to the west develops, is certainly an argument, but it is not an exclusive argument because the property to the west and the south is developed and there are pedestrians who use that street. He saw them when he conducted a field check on the subject property. He explained that he wasn't there on a Saturday afternoon when people are off work and going to the trails or to the shopping center to the east or to Wal-Mart. He commented that there is a lot of foot traffic to those facilities. The pedestrians were required to use the street improvement for pedestrian access. It is very important to realize that if that was totally undeveloped, it still wouldn't be a reason to waive it. It will be developed at some point and time and the requirement is there that this developer provide that amenity for the community benefit. The community benefit is that this community has established criteria that means for people to access our various developments by foot be in a safe environment. It is all about safety and he can assure you that if the sidewalks are built, they would be utilized.

Mr. Bernard stated that he eats in the restaurant complex and he has actually had to park where the Quik-Trip used to be located. He has seen people walking up and down the subject street to the apartment complex. After touring East Tulsa the other day, he understands the impact of having sidewalks in subdivisions and along streets and keeping kids out of the streets to play.

Mr. Harmon stated that he has often heard the argument that the sidewalk goes from nowhere to nowhere, but that will always be the case unless it is consistently enforced. It is impossible to predict the future uses and development. If the sidewalk is installed it will be utilized, and if it someday is taken all the way back to the apartment complex, it will be utilized more. He would not be inclined to waive the sidewalk requirement.

Mr. Johnsen stated that he agrees with Mr. Alberty that the Planning Commission should be consistent. However, consistency includes the concept that there may be circumstances where a waiver is appropriate and the waiver provision is part of the Subdivision Regulations. The Planning Commission should always be receptive to an application and if there are facts there to warrant the waiver, then there is nothing wrong with bringing those facts to the Planning Commission. He disagrees with the comment that the Planning Commission shouldn't grant any waivers or they will be asked for a lot of waivers. The Planning Commission should look at the facts of the case and 95% of the subdivision plats that come to the Planning Commission will never have a request for a waiver of sidewalks.

Mr. Bernard agrees that the applicant has the right to bring a waiver before the Planning Commission and Mr. Johnsen has done his client the service he was supposed and presented his case well.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bernard, Carnes, Collins, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Midget "absent") to **APPROVE** the minor subdivision plat for RBSS per staff recommendation and **DENY** the request for a waiver of the Subdivision Regulations requirement for sidewalks.

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**Mr. Collins out at 2:47 p.m.**

**AUTHORIZATION FOR ACCELERATED RELEASE OF BUILDING PERMIT:**

**University of Tulsa – (9305)**

**(PD 4) (CD 4)**

East 8<sup>th</sup> Street to East 11<sup>th</sup> Street, College to Florence – East 8<sup>th</sup> Street to East 11<sup>th</sup> Street, Delaware to Evanston – East 4<sup>th</sup> Place to East 5<sup>th</sup> Place, Gary Place to Harvard

**STAFF RECOMMENDATION:**

The properties are zoned RS-3, CH, and RM-2. Full permits are requested. A preliminary plat is on the TMAPC agenda for each of three locations on the University of Tulsa campus.

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 plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: See attached explanation.

***The following information was provided by the Technical Advisory Committee in its meeting May 18, 2006.***

**ZONING:**

*TMAPC Staff:* Full permits are requested.

**STREETS:**

*Public Works, Transportation:* No comments.

*Public Works, Traffic:* No comments.

**SEWER:**

*Public Works, Waste Water:* Building permits will not be allowed over existing sanitary sewer lines before the lines have been abandoned by the City of Tulsa.

**WATER:**

*Public Works, Water:* No comments.

**STORM DRAIN:**

*Public Works, Storm Water:* Blocks 6 and 7 may require an approved drainage plan design of Stormwater Detention Facilities by PFPI, prior to the release of building permits.

**FIRE:**

*Public Works, Fire:* No comments.

**UTILITIES:**

*Franchise Utilities:* No comments.

*The accelerated building permits were originally designed to accommodate large campus-style types of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.*

**TMAPC COMMENTS:**

Mr. Bernard asked about the TAC comments and the lack of comments. Mr. Bernard asked why there is a need for an accelerated building permit.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that Mr. Norman has brought the TU Master Plan before the Planning Commission and now is going to the City Council for approval. The housing projects and the timeframe are quite critical. TU will need housing as soon as possible for the students. There are three plats before the Planning Commission today for preliminary plat approval and that is one of the conditions of the accelerated building permit. There will be two more plats coming before the Planning Commission at a later date. Hopefully, when the final plat comes through it will all be incorporated into one plat rather than five different plats.

Mr. Albery stated that to clarify the staff recommendation, there were actually two conditions. Both conditions are from Public Works. Both conditions are subject to Public Works, and if the Planning Commission approves this subject to these conditions, then Public Works will determine if the building permit can be issued and if all conditions have been complied with.

**TMAPC Action; 7 members present:**

On **MOTION** of **WOFFORD**, TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the authorization for accelerated release of building permit for University of Tulsa, subject to conditions of Public Works Department per staff recommendation.

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## ZONING PUBLIC HEARING

**Application No.:** CZ-377

**AG to CG**

**Applicant:** Kenneth C. Ellison

(County)

**Location:** North of northwest corner East 121<sup>st</sup> Street North and North Garnett Road

### STAFF RECOMMENDATION:

Ms. Matthews stated that the location shown on the agenda needs correction. She assured that the map and noticing is correct. The location is 116<sup>th</sup> Street North rather than 121<sup>st</sup> Street North and North Garnett.

**CZ-373 May 2006:** A request to rezone a 7.5± acre tract from AG/CS to CG was made for restaurant and retail development on a property located at 11700 North Garnett; all concurred in denial of rezoning this tract to CG zoning and approval for CS zoning.

**PUD-549 September 18, 1996:** All concurred in approval of rezoning a tract of land from AG (then a golf driving range) for a mixed use development on 29.8 acres, located west of Garnett Road and south of East 126<sup>th</sup> Street North.

**CZ-216 December 5, 1994:** All concurred in approval of a request for rezoning a tract of land from AG to RS and RE, located west of the subject property, west of North Garnett Road and north of East 116<sup>th</sup> Street North.

**CZ-191 August 12, 1991:** The TMAPC approved CS zoning for a small tract of land south of the subject property and east of Garnett Road.

### AREA DESCRIPTION:

**SITE ANALYSIS:** The subject property is approximately five± acres in size and is located north of the northeast corner of East 116<sup>th</sup> Street North and North Garnett. The property is vacant, being used for agricultural purposes and zoned AG.

### **STREETS:**

| <b>Exist. Access</b> | <b>MSHP Design</b> | <b>MSHP R/W</b> | <b>Exist. # Lanes</b> |
|----------------------|--------------------|-----------------|-----------------------|
| North Garnett Road   | Secondary arterial | 100'            | 2 Lanes               |

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

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned AG; on the north by vacant land, zoned AG; on the south by property, zoned AG; and on the west by some residential, some vacant and undeveloped land, zoned AG/RS/RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The City of Owasso 2015 Land Use Master Plan supports a residential land use for this property, according to an Owasso city official. In a letter (May 22, 2006), the Community Development Director noted that the City has concerns about the proposed rezoning, and after a neighborhood meeting on a previous rezoning request for commercial zoning on the site, the consensus was to support transitional uses, such as office, could be considered. Transitional uses would buffer existing residential uses from the commercial uses immediately to the south. Therefore, staff finds the requested CG zoning **is not** in accord with the City of Owasso 2015 Land Use Master Plan.

**STAFF RECOMMENDATION:**

Based on the Owasso Master Plan and surrounding land uses, staff cannot support the requested CG zoning and therefore recommends **DENIAL** of CG zoning for CZ-377.

**TMAPC COMMENTS:**

Mr. Ard asked for clarification regarding the location of the subject site. In response, Mr. Alberty stated that the property is actually at the southeast corner of 121<sup>st</sup> Street. Staff made a partial correction, but didn't correct the entire surrounding area location prior to the publication of the agenda. The plat maps are correct and everything advertised was correct.

Mr. Jackson asked if 121<sup>st</sup> is an arterial street. In response, Mr. Alberty stated that it is not an arterial street.

Mr. Boulden stated that he is concerned about the compliance with the Open Meeting Act on this. Mr. Alberty stated that everything up until last Friday was correct. Staff attempted to make the general location relate to the map. Staff failed to change the "north of the northeast corner" and it should have been changed to the "southeast corner of 121<sup>st</sup>".

Mr. Boulden stated that an ordinary person would look at the northeast corner and may not be concerned with that property, not knowing it is the property on the southeast corner. He doesn't believe that the Open Meeting Act was complied with.

Mr. Alberty stated that he wouldn't disagree with Mr. Boulden and it could be continued for two weeks and have a corrected agenda location. The subject property was posted and notices mailed with the correct address.

Mr. Boulden stated that the property owner should be concerned if this meets the Open Meeting Act as well.

Mr. Jackson suggested that this application be continued to June 21, 2006. In response, Mr. Ellison stated that he doesn't have a problem with a continuance.

**TMAPC COMMENTS:**

Mr. Harmon asked for some clarification about the posted yellow sign being removed prior to the meeting.

Mr. Alberty stated that the signs only have to be up 20 days prior to the meeting. In the past the sign company has not removed them until the day after the public hearing. Mr. Harmon stated that vandals could toss the sign. Mr. Alberty stated that this has happened in the past. Mr. Alberty further stated that he doesn't believe there is any requirement on how long it has to be posted.

**TMAPC Action; 7 members present:**

On **MOTION** of **JACKSON**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **CONTINUE** CZ-377 to June 21, 2006.

**INTERESTED PARTIES:**

Mr. Bernard recognized Mr. Henley.

**Mike Henley**, 12116 North 113<sup>th</sup> East Avenue, Collinsville, 74021, stated that he lives directly across the street from the subject property. He indicated that the sign was posted on 121<sup>st</sup> Street under a tree. He stated that the sign should have been posted at the south end of the subject property where it could be seen.

Mr. Henley stated that he is disappointed that this meeting is being continued because it is a hardship for him to come to another meeting.

Mr. Bernard stated that based on Legal, it is not possible to move forward with this application today.

Mr. Henley asked that if another sign is posted it could be where everyone could see it.

Mr. Alberty stated that the ordinance requires the posting of the sign and it doesn't get into particulars of how long it has to stay up, but it does state that it must be posted on the property 20 days prior to the hearing. Usually on a large lot like this, staff would have posted two signs. There is a new staff member doing this job now and perhaps we need to take a closer look at where they are recommending posting. There will not be new posting and it is not a requirement. Notices did go out in the mail to a 300-foot radius of property

owners. Whether they saw the sign or not a great number of people received notices in the mail.

Mr. Henley stated that there are times that the notices do miss people.

Mr. Bernard stated that staff doesn't have any intention to miss anyone, and if it has happened, the Planning Commission apologizes.

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**Application No.: CZ-378**

**AG to RS**

**Applicant:** John Wimpy

(County)

**Location:** Northwest corner West 51<sup>st</sup> and South 81<sup>st</sup> West Avenue

**STAFF RECOMMENDATION:**

There have been no recent rezoning requests approved in this area.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 25.31± acres in size and is located at the northwest corner of West 51<sup>st</sup> Street and South 81<sup>st</sup> West Avenue, just outside the Sand Springs city limits. The property is mostly vacant and is zoned AG.

**STREETS:**

| <b>Exist. Access</b>               | <b>MSHP Design</b> | <b>MSHP R/W</b> | <b>Exist. # Lanes</b> |
|------------------------------------|--------------------|-----------------|-----------------------|
| West 51 <sup>st</sup> Street       | Secondary arterial | 100'            | 2 Lanes               |
| South 81 <sup>st</sup> West Avenue | Secondary arterial | 100'            | 2 Lanes               |

**UTILITIES:** The subject tract has no water and sewer available.

**SURROUNDING AREA:** The subject tract is abutted on the east by some residential and agricultural land, zoned AG; on the north by residential land, zoned AG; on the south by vacant land, zoned AG; and on the west by mostly vacant land zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The Sand Springs Comprehensive Plan designates this area as Low Intensity-Residential. According to the Zoning Matrix, the requested RS is in accord with the District Plan.

**STAFF RECOMMENDATION:**

The subject property is surrounded by vacant land and large-lot single-family residential uses. Land to the south and west of the site, although zoned RS is not currently developed to that density. The site has no water and no sewer. For these reasons, staff cannot support the requested RS zoning, and recommends **DENIAL** of RS zoning for CZ-378. Staff could support RE zoning in the alternative.

**TMAPC COMMENTS:**

Mr. Jackson asked if everyone is on a well in the subject area. In response, Ms. Matthews answered affirmatively.

**Applicant's Comments:**

**George Otey**, 4815 South Harvard, Suite 270, Tulsa, Oklahoma 74135, representing Mr. Wimpy, stated that he understands the issue raised and he would be willing to amend his request to RE zoning.

Ms. Matthews stated that staff would be in agreement with RE zoning and this application has been advertised where this could be done.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. Otey if he is confident that the water would be there. In response, Mr. Otey stated that if this is approved, there would be development with Sand Springs water brought in.

Mr. Jackson asked how far the water is located from the subject property. Ms. Matthews stated that she is not sure where the line is.

Mr. Otey stated that there should be a meter at Skyline Drive.

Ms. Matthews stated that the Sand Springs Planner stated that there is no water in the subject area.

Mr. Harmon stated that he thought the water was one mile from the subject property.

Ms. Matthews stated that once the applicant begins the platting process, the water and sewer issues will be addressed.

**John Wimpy**, P.O. Box 5, Jenks, Oklahoma 74037, stated that he is the property owner and there is water that comes down Skyline Drive to 81<sup>st</sup> West Avenue, which is from the City of Sand Springs. The water is not on a six-inch line, but they are putting in a booster station to increase pressure in anticipation. Mr. Wimpy indicated that he has met with Vernon Smith of Sand Springs and he has assured him that there are waterlines in place.

Mr. Jackson asked if this application would go through the Sand Springs TAC meetings. In response, Ms. Matthews stated that she doesn't know what Sand Spring's procedures are. This will be in Tulsa County.

Mr. Wimpy stated that he has met with Tom Rains at the County regarding these issues.

**INTERESTED PARTIES:**

**Huey Daniels**, 4901 South 81<sup>st</sup> West Avenue, Tulsa, Oklahoma 74107, expressed concerns that there would be adequate water supply. He indicated that there is a two-inch waterline existing and he is on the tail-end of that line. There are 15 homes on the two-inch waterline and there is not adequate water supply today and there is no water pressure. He expressed concerns about drainage, water, roads, etc.

Mr. Daniels stated that the pump station is a proposal and has not been guaranteed. This has been discussed many years and it has not materialized. The waterline and utilities should be hammered out before developing and changing it to a residential community.

Mr. Jackson stated that the County Engineer will address the stormwater issues. The applicant will not be able to send any drainage onto other properties. It can not increase the existing drainage. The water supply will also go to the County Engineer, and due to fire suppression, the applicant will have to maintain a certain pressure through their design of their domestic waterlines.

Mr. Jackson asked Mr. Daniels if he was in a rural water district. In response, Mr. Daniels stated that he pays the City of Sand Springs for his water.

Mr. Jackson stated that the City of Sand Springs will determine the water issues.

In response to Mr. Daniels, Mr. Jackson stated that RE zoning is for ½-acre lots with 150 feet of frontage.

Mr. Ard stated that it allows fewer houses than the RS district.

**Jerry Streagal**, 81021/2 West Skyline Drive, 74107, stated that he has lived in the subject area for 34 years and his land is adjacent to the subject property. He expressed concerns with water and water pressure in the subject area.

**Gary Patton**, 4721 South 81<sup>st</sup> West Avenue, Tulsa, Oklahoma 74107, stated that he has lived in the subject area 26 years. He commented that after living in the subject area that long, one becomes accustomed to the esthetics and wide-open spaces. He believes that housing is a good thing for West Tulsa but he does have concerns with water pressure because it is not adequate at this time.

Mr. Patton expressed concerns with the intersection of Skyline Drive and West 51<sup>st</sup> Street because it is a dangerous intersection. With more homes there will be more traffic in that intersection.

**Applicant's Rebuttal:**

Mr. Otey stated that currently the County is thinking about reconfiguring the intersection and Mr. Wimpy has been involved in the discussions with the County.

Mr. Wimpy stated that Skyline Drive will be extended and brought to a 90-degree intersection. This will make it a safer intersection. Mr. Wimpy stated that he lives in the subject area and he wouldn't develop something that wasn't quality. He purchased the land because he was under the impression that someone else was thinking of purchasing it for less quality homes.

Ms. Matthews stated that when the minutes are drafted, she will forward them to the City Planner of Sand Springs.

Ms. Hill suggested that the neighbors and the developer keep an open line of communication during this process.

Mr. Wimpy stated that he has already suggested a meeting with the interested parties after this meeting.

Mr. Wimpy indicated that there is a new water tower within the subject area from Sapulpa and he has met with them and their Board of Directors and they have agreed to supply water to most of these houses in the development (west side of the property.) Houses along 81<sup>st</sup> would be served by Sand Springs water.

Ms. Matthews stated that the follow-up will also be when the draft minutes and the exhibits are transmitted to the Board of County Commissioners. The interested parties need to stay on top of this in order to know when it has gone to the County.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to recommend **APPROVAL** RE zoning for CZ-378 as amended by applicant.

**Legal Description for CZ-378:**

The south 1,320' of the east 835.29' of the southeast quarter of Section 25, T-19-N, R-11-E, Tulsa County, State of Oklahoma, **From AG (Agriculture District) To RE (Residential Estate District).**

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**Application No.: PUD-600-A-5**

**MINOR AMENDMENT**

**Applicant:** Dr. Michael Hosie

(PD-18) (CD-8)

**Location:** 9101 South Toledo Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment of PUD-600-A to permit a trash dumpster and enclosure (associated with a medical office) 75 feet from the east boundary of the PUD. PUD development standards prohibit bulk trash containers in the east 100 feet of the PUD, a setback which corresponds with a 100-foot wide PSO easement. The applicant has received approval for a wood enclosure and trash dumpster to encroach into the west 25 feet of the PSO easement (verification of agreement attached). In addition, the proposed 75-foot setback should still provide sufficient separation from adjacent multi-family residential to mitigate potential adverse impacts. And although the proposed dumpster and enclosure are to be located in a parking space, the remaining parking still complies with parking requirements per the Zoning Code.

Therefore, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-600-A-5 as proposed.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the minor amendment for PUD-600-A-5 per staff recommendation.

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**OTHER BUSINESS:**

**Application No.: PUD-701/Z-6931-SP-1a**

**DETAIL SITE PLAN**

**Applicant:** Sisemore Weisz & Associates

(PD-26) (CD-8)

**Location:** Northwest corner of East 98<sup>th</sup> Street South and South Memorial Drive

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for an automotive dealership. The proposed use, Use Unit 17, Automotive and Allied Activities, is in conformance with Development Standards of PUD-701 and Z-6931-SP-1.

The proposed building complies with permitted building floor area, building height and setbacks. Proposed landscaped open space and streetyard are in compliance with development standards and the landscape chapter of the zoning code. The applicant indicates that proposed site lighting complies with development standards and the zoning code per application of the Kennebunkport Formula. Proposed parking also complies with the zoning code.

A 50-foot minimum landscaped area is provided along the west boundary as required by development standards, as is a 20-foot landscaped area adjacent to East 98<sup>th</sup> Street South right-of-way from the west boundary of the PUD to the access drive from East 98<sup>th</sup> Street South. A minimum six-foot screening fence is required and provided along the west boundary of the PUD.

Berming is required and provided in the 20-foot wide landscaped area adjacent to East 98<sup>th</sup> Street South. Cross-sections, included on the detail site plan, show a slope that is greater than the maximum recommended slope for purpose of maintenance. Per the applicant, this is because the East 98<sup>th</sup> Street South right-of-way is significantly lower than the parking lot and the slope is necessary to provide berming as required.

Therefore, staff recommends **APPROVAL** of PUD-701/Z-6931-SP-1 detail site and landscape plans subject to redesign of the bermed landscaped area such that it provides screening as intended, but can be reasonably maintained.

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

Ms. Matthews stated that yesterday the applicant submitted a revised berming plan and it does comply and staff can recommend **APPROVAL**.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the detail site plan for PUD-701/Z-6931-SP-1a per staff recommendation.

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**Application No.: PUD-579-A**

**DETAIL SITE PLAN**

**Applicant:** Douglas Huber

(PD-18) (CD-8)

**Location:** West of southwest corner of South 102<sup>nd</sup> Avenue East and East 79<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a two-story office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-579-A.

The proposed building complies with development standards for building floor area, setbacks, building height, permitted land coverage, minimum landscaped area and streetyard requirements. No parking lot lighting or building-mounted lighting, other than decorative lighting, is proposed. Parking conforms to the Zoning Code; however, a mutual access easement is required for the access drive/parking aisle which extends into the east half of Lot 5.

Therefore, staff recommends **APPROVAL** of PUD-579-A detail site plan for Wollmerhouser Office Building subject to the filing of a mutual access easement for the access drive/parking aisle that extends beyond the property line into the adjacent lot, the east 84 feet of Lot 5, Block 1, Tall Grass Office Park.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **JACKSON**, TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the detail site plan for PUD-579-A, subject to the filing of a mutual access easement for the access drive/parking aisle that extends beyond the property line into the adjacent lot, the east 84 feet of Lot 5, Block 1, Tall Grass Office Park per staff recommendation.

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**Application No.: PUD-718**

**DETAIL SITE PLAN**

**Applicant:** Khoury Engineering, Inc.

(PD-6) (CD-9)

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

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new two-story office building. The proposed use, Use Unit 11, Office Studios and Support Services, is in conformance with Development Standards of PUD-718.

The proposed building complies with maximum permitted floor area and building height. TMAPC in its approval of PUD-718 did not endorse the concept plan nor the standards that corresponded with it, but forestalled consideration of setbacks and other design issues to detail site plan review. The office building as proposed conforms to the concept plan as originally submitted, with a 10-foot setback from the south property line and a 22-foot drive/parking aisle. No parking lot lighting or bulk trash containers are proposed. A six-foot screening wall will be constructed along the west and south boundaries. Sidewalks are provided at the driveway entrance to East 35<sup>th</sup> Place and will be continued eastward along East 35<sup>th</sup> Place when lots abutting the street are developed.

Staff recommends **APPROVAL** of PUD-718 detail site plan as proposed.

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

**TMAPC COMMENTS:**

Mr. Ard stated that it seemed originally some of the parking would have backed up to their dumpster and now the staff report states that there are no bulk trash dumpsters proposed. In response, Ms. Matthews answered affirmatively.

**INTERESTED PARTIES:**

**Herb Beattie**, 3474 South Zunis Avenue, 74105, Co-President of the Brookside Neighborhood Association, stated that he has emailed Mr. Alberty about this application. Mr. Beattie cited the history of the neighborhood association's view on this application.

Mr. Beattie stated that Mr. and Mrs. DeVerges live in the subject area and had received a letter from INCOG stating that this application would be heard today, and they requested that it be continued since they are unable to attend. He commented that this couple are his experts on this proposal and they haven't had an opportunity to look at the detail and make a judgment. He requested that this detail site plan be continued one week.

**TMAPC COMMENTS:**

Mr. Ard asked Mr. Beattie if the DeVergeses were notified by mail. In response, Mr. Beattie answered affirmatively.

Mr. Alberty stated that there may be some confusion because INCOG typically doesn't send out notices for detail site plans. The PUD has been approved and they are certainly welcome to show up and make comments regarding, but it is not the procedure. The process is that once the PUD is approved, the staff reviews what is submitted as a detail site plan to see if it meets the conditions. This is not a public hearing item and it is brought back to the Planning Commission to get their confirmation of what is recommended. At this point, the opportunity to debate what is going on the subject property is past because the application has already been approved.

Mr. Beattie stated that this is another opportunity to improve TMAPC procedures to make them more transparent and friendly to ordinary citizens.

Mr. Jackson stated that the detail site plan states that there is no lighting and no bulk trash containers.

Mr. Beattie stated that he is not saying that he or anyone else has a problem with it, but simply saying that they need an additional week to review.

**Applicant's Comments:**

**Malik Khoury**, Civil Engineer, stated that there is no plan to put any lights or bulk trash containers on the subject property.

Mr. Jackson asked Mr. Khoury if he would be opposed to a continuance.

Mr. Khoury stated that he doesn't know of a good reason to postpone it.

**INTERESTED PARTIES:**

Mr. Beattie stated that he received a letter telling him that this would be on the agenda and presumably that would be an opportunity to come and comment. He asked why bother to send out a notice.

Ms. Matthews stated that this may be one of the PUDs that has a label that states to notify interested parties. If interested parties inform the Planning Commission that they want to know every step of the PUD, as a courtesy we will send them a letter to know where it is in the process.

Mr. Bernard stated that staff is satisfied that this detail site plan is in accord with the approval of the Planning Commission and by the City Council. There is not reason to delay the construction and going forward with the permits and the process. In response, Ms. Matthews agreed with Mr. Bernard's statements.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the detail site plan for PUD-718 per staff recommendation.

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**Application No.: PUD-431-A**

**DETAIL SITE PLAN**

**Applicant:** Peter Kavanagh/Zone Systems, Inc. (PD-26) (CD-8)

**Location:** South and west of the southwest corner East 111<sup>th</sup> Street South and South Sheridan Road

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a communication tower. The proposed use, Use Unit 4, Public Protection and Utility Facilities, is in conformance with Development Standards of PUD-431-A.

The proposed tower is to be 100 feet in height and exterior ground mounted equipment will be enclosed by an eight-foot high masonry wall. Access will be from an existing paved drive. The proposed tower meets setback requirements per Section 1204.3 of the Zoning Code.

Therefore, staff recommends of PUD-431-A detail site plan for a communication tower as proposed.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Ard, Bernard, Carnes, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Midget "absent") to **APPROVE** the detail site plan for PUD-431-A per staff recommendation.

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**Commissioners' Comments:**

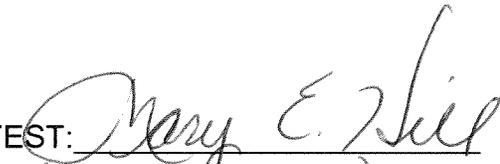
Mr. Bernard reminded the Planning Commission that June 13, 2006 is the evening meeting regarding the proposed Zoning Code amendments.

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There being no further business, the Chair declared the meeting adjourned at 3:30 p.m.

Date Approved:

\_\_\_\_\_  
  
Chairman

ATTEST:   
(Acting Secretary) Secretary

