

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2449

Wednesday, June 21, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June, 15, 2006 at 4:07 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 1:30 p.m.

Mr. Bernard read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Bernard announced that several requests have been made for a continuance:

Application No.: PUD-725

Applicant: J.R. Donelson/Advent Dev. Co. (County)

Location: East of northeast corner East 181st Street and South 145th East Avenue

Applicant has requested a continuance for 60 days.

Ms. Matthews stated that August 23, 2006 would be the date.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Carnes Collins, Midget "absent") to **CONTINUE** PUD-725 to August 23, 2006.

Application No.: CZ-375

AG TO CG

Applicant: Jeffrey Levinson County

Location: Northeast corner East 151st Street and South Lewis Avenue

Applicant has requested a continuance to July 19, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Carnes Collins, Midget "absent") to **CONTINUE** CZ-375 to July 19, 2006.

STAFF COMMENTS:

Mr. Alberty stated that this application has been continued several times. In some instances, and he is not saying in this instance, this could be used as a

tactic. On July 19, 2006, staff will be prepared to present these cases and if there is another request for a continuance, staff would oppose it.

Mr. Bernard stated that he understood that a few continuances were for medical reasons. Mr. Bernard asked how many times these cases have been continued. In response, Mr. Alberty stated that they have been continued approximately four times.

RELATED ITEM:

Application No.: PUD-731

AG TO CG/PUD

Applicant: Jeffrey Levinson

County

Location: Northeast corner East 151st Street and South Lewis Avenue

Applicant has requested a continuance to July 19, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HILL**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Carnes Collins, Midget "absent") to **CONTINUE** PUD-731 to July 19, 2006.

Minutes:

Approval of the minutes of May 24, 2006 Meeting No. 2447

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Bayles, Bernard, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Carnes, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of May 24, 2006, Meeting No. 2447.

REPORTS:

Chairman's Report:

Mr. Bernard reported that there was an evening meeting held June 13th that staff facilitated. This meeting was regarding the proposed Zoning Code amendments and the public hearing will be held June 28th at 1:30 p.m.

Worksession Report:

Mr. Alberty reported that there will be a worksession next Wednesday at 11:00 a.m. to 1:00 p.m., which will be lunch worksession. The Economic Development Strategic Plan will be presented by the consultants. He indicated that both County and City Board of Adjustments are being invited.

Director's Report:

Mr. Alberty reported that the TMAPC receipts for the month of May indicate that the City receipts are down less than \$1,000.00 over last year and the County receipts are up approximately \$1,200.00. The total for the year is approximately \$25,000.00 over last year's receipts.

Mr. Alberty reported that there is on final plat on the City Council agenda for Thursday night.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19956 – John Wimpy (9226) (PD 8) (CD 2)

1544 West 44th Street

STAFF RECOMMENDATION:

The proposal is to split a lot into two tracts. Both resulting tracts would meet the RS-3 bulk and area requirements; however, Tract B would have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

At their June 1, 2006, meeting, the Technical Advisory Committee requested a 15' utility easement along the south of the property. Also, Union Avenue is classified as an Urban Arterial, requiring 70' of right-of-way (35' on either side of the centerline). In order to meet the standard requirements, additional right-of-way must be deeded to the City along Union Avenue.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, subject to the TAC's requirements of a utility easement and additional right-of-way along Union Avenue.

Ms. Cantees in at 1:39 p.m.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-1** (Ard, Bayles, Bernard, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; Cantees "abstaining"; Carnes, Collins, Midget "absent") to recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split for L-19956, subject to the TAC's requirements of a utility easement and additional right-of-way along Union Avenue per staff recommendation.

L-19961 – Peter Brolick (9212)

(PD 6) (CD 4)

1544 South Norfolk Avenue

STAFF RECOMMENDATION:

Because of an encroaching building, this proposal is to split a small strip off one lot and tie it the abutting property to gain clear title. The City of Tulsa Board of Adjustment heard an application at their June 13, 2006, and approved a number of RS bulk and area requirements.

Both resulting tracts would have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

The Technical Advisory Committee has no concerns with this application. Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget "absent") to recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split for L-19961 per staff recommendation.

Mr. Midget in at 1:41 p.m.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19958 – Richard Riddle (8306) (PD 18) (CD 9)

6350 South Lewis Avenue

L-19965 – Mexican Bakery (9406) (PD 5) (CD 6)

40 South Garnett Road

L-19967 – Sisemore Weisz & Associates (8302) (PD 18) (CD 7)

Northeast corner of East 71st Street and Sheridan Road

L-19970 – R. G. Gillean (9218) (County)

6503 West 25th Street

STAFF RECOMMENDATION:

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

LOT-COMBINATIONS FOR RATIFICATION OF PRIOR APPROVAL:

LC-19 – Roger Eldredge (8407) (PD 18) (CD 8)

10109 East 79th Street

LC-20 – Kirk Clausing (9330) (PD 6) (CD 9)

1810 East 43rd Street

STAFF RECOMMENDATION:

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

FINAL PLAT:

The Bluffs – (905/6)

(County)

North of US 51, East of 263rd West Avenue

STAFF RECOMMENDATION:

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

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to **APPROVE** the final plat for The Bluffs per staff recommendation.

Sequoyah Hill (revised) – (8333)

(PD 26) (CD 8)

East of Delaware at East 116th Street South

STAFF RECOMMENDATION:

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

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to **APPROVE** the final plat for Sequoyah Hill (revised) per staff recommendation.

PRELIMINARY PLAT:

Oak Ridge Park – (9425)

(PD 17) (CD 6)

East of southeast corner of East 41st Street South and 177th East Avenue

STAFF RECOMMENDATION:

This plat consists of 137 lots, seven blocks, on 39.8 acres.

The following issues were discussed June 1, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3. Show square footages of each lot. Reserves will be for both drainage and park/trail use.
2. **Streets:** Modify the alignment of 41st Place South in order to intersect the curve of 183rd East Avenue at or near 90 degrees. Include a note stating sidewalks are to be constructed on all streets, optionally specifying where they are to be constructed by the developer and where to be constructed by the home builder. The sidewalks paragraph needs to include language for sidewalk construction and maintenance along the arterial street and in reserves and common area.
3. **Sewer:** Along the north side of Lot 30, Block 1, shows the sanitary sewer continuing west into unplatted property. If this is correct, then it needs to show the manhole at the terminus of the line, and provide easement. Off-site easements must be approved before a work order can be issued. The project will be required to pay the following fees for the platted acreage: Broken Arrow system development fees of \$700/acre. Excess capacity fees of \$640/acre per the Trinity Park Agreement. City of Tulsa lift station relief fees of \$150/acre, and lift station use fees of \$3,675/acre. If owner/applicant participated in the construction of the lift station prior to development, then he/she will not be charged for the use fees.

4. **Water:** A looped water main extension will be required. Water mains are to be laid on the south and east side of roadways, unless approved otherwise. Areas that should meet this requirement are east 42nd Street South; East 42nd Place and South 182nd East Avenue. Add blow-off hydrants to all dead-end stubs to unplatted properties.
5. **Storm Drainage:** Please label the floodplain as "Crooked Creek Tulsa Regulatory Floodplain". The floodplain should not extend outside of Reserve A. 183rd East Avenue cannot encroach on the floodplain. The title for Section I.I should include Reserve D.
6. **Utilities: PSO, ONG, Cable, Telephone:** Okay.
7. **Other: Fire:** Location map needs the Stone Creek Village plat. Supply missing dimension in Block 1, Lot 17, Lot 30 and Reserve D. Include a boundary description with bearing distance.

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.

INTERESTED PARTIES:

Tony Mills, 18800 East 41st Street, 74134, stated he is concerned about water runoff and flooding. He indicated that in May he experienced a flood on his property that had never happened before. Mr. Mills stated that the whole mile that is developing across the street from him doesn't have any drainage ditches on the south side of the road.

TMAPC COMMENTS:

Mr. Jackson asked staff to explain the process to Mr. Mills.

Mr. Alberty stated that stormwater management regulations must be met during the subdivision process. This has to be certified by the Public Works Department regarding drainage issues and how it will be handled. Mr. Alberty suggested that Mr. Mills contact Public Works Department, Stormwater Management Division, if he has any questions about how the drainage will be handled. Basically what is required is that the applicant can't increase the runoff situation onto adjoining properties. They have to be able to handle the runoff and if their development increases the runoff, it has to be retained through a series of detention ponds or some other form to retain the water so that the discharge doesn't increase the

level of flow. If there is something off-site, he doubts if that would be addressed because it is only the drainage on the site under application and its discharge. If there are historical problems in the subject area, then they will probably continue until there is further off-site development.

INTERESTED PARTIES:

Larry Johnson, 2535 East 21st, 74114, stated that his family has owned the property north of and across the street from the subject property. He indicated that he has owned the 40 acres for over 45 years and there has never been a drop of water that has traversed his property as a result of a flood until May. He commented that the flood water impacted his property 500 feet and it can't happen again and will not happen again. Mr. Johnson stated that this is a case that comes under Title 82 Oklahoma Statutes, Section 1617, which brings into play the Floodplain Board and not the Public Works Department. There has to be a special permit for every transaction, and every conveyance will be void if it is not complied with under this statute. Mr. Johnson read Section 1617. He commented that any decisions made today would be a violation of Title 82, Section 1617.

TMAPC COMMENTS:

Mr. Ard informed Mr. Johnson that flood water and drainage issues are not within the TMAPC's purview. Stormwater Management will take care of these issues.

Mr. Johnson stated that the Planning Commission can't perform a violation of Federal and State law by approving a type of addition that is propose without the safeguards and without the specific planning.

Mr. Boulden stated that he is not familiar with the statute that Mr. Johnson is referring to. He further stated that he has confidence in the Stormwater Management Division and he is not concerned with any action the Planning Commission would make today.

Mr. Bernard stated that the bottom line is that the developer will have to design this in such a way that the water flow off of the subject property does not flow onto any property in the subject area any more than it is currently doing today.

Mr. Jackson asked staff to explain how the system works regarding recommendations.

Mr. Alberty stated that the Planning Commission is basically charged with the processing of a plat. The Planning Commission are not experts with regard to specific engineering issues and rely upon the reporting agencies. If the current situation causes flooding onto Mr. Johnson's property, then that is an existing situation and development of the subject property is not going to make that condition worse. The Planning Commission will not do anything to violate the City of Tulsa's qualifications for the receiving of the FEMA Floodplain Assisted

Insurance, which is a different issue from what is being dealt with today. If the subject property is within a FEMA floodplain, then it does require the amendment of the FEMA maps before there can be any development. That is something the developing engineer is acutely aware of and they would have already made application or they will have to before this Planning Commission can give final approval. Preliminary plat approval is only the first step and once it approved, there is a whole list of conditions that have to be complied with before they can have final approval. Final approval leaves this board and is transmitted to the City for their approval. The Planning Commission is the sole board that has final approval with regards to meeting all of the Subdivision Regulations requirements and that is one thing they will be assured of before signing off. There must be a letter from each of those utility companies, each of the Public Works Departments and each of the City entities that are responsible for reviewing this plat.

Mr. Johnson stated that the Planning Commission is forgetting the Floodplain Board in their process.

Mr. Bernard assured Mr. Johnson that Legal would look into this and relate their findings to the Planning Commission. Staff itself will make sure that whatever is done on the Planning Commission's end will be done with respect to the law.

Mr. Ard asked if the subject property is within a designated flood area.

Applicant's Comments:

Tim Terrell, 6737 South 85th East Avenue, Tulsa, OK 74133, Tulsa Engineering and Planning, stated that it is his understanding that there is no FEMA floodplain on the property. There is a small portion of Tulsa Regulatory floodplain and he is very well aware of the criteria and it will be where the stormwater retention facility will be located.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-1 (Ard, Bayles, Bernard, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; Cantees "abstaining"; Carnes, Collins "absent") to **APPROVE** the preliminary plat for Oak Ridge Park, subject to special conditions and standard conditions per staff recommendation.

Cross Timbers West at Northwest Passage – (2221)

(PD 11) (CD 1)

North of northwest corner of West Apache and Gilcrease Museum Road

STAFF RECOMMENDATION:

This plat consists of 101 lots, four blocks, on 20.62 acres.

The following issues were discussed June 1, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-624. Show development areas and proposed changes. Minor amendments to the PUD will be necessary to change multi-family area to residential area. Show general alignment of proposed Gilcrease Expressway on plat and location map.
2. **Streets:** Document right-of-way dedications. Northern end of the arterial was dedicated by the Cross Timbers at Northwest Passage plat, not from the book and page shown for the southern segment. Include a note stating sidewalks are to be constructed on all streets, optionally specifying where they are to be constructed by the developer and where they are to be constructed by the home builder. Include language addressing sidewalk construction. Suggest changing the street name: "N. 25th W. Avenue Place."
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Was the off-site stormwater detention facility designed to receive the additional drainage from the development of this area, or will the construction of additional capacity be required? If so, will the easement area require expansion?
6. **Utilities: PSO, Telephone, ONG, Cable:** Okay.
7. **Other: Fire:** No comment. **GIS:** Complete the location map. It is missing Osage Hills Ranch in the northwest corner of Section 21; show Tulsa City Limits. Should east section line be North 25th West Avenue? Is the north section line along 36th Street North? Street name "Gilcrease Drive" on location map does not correspond with name on the face of 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.

TMAPC COMMENTS:

Mr. Jackson asked if this would be for RS-3 or RS-4 zoning.

Applicant's Comments:

Tim Terrell, Tulsa Engineering and Planning, 6737 South 85th East Avenue, Tulsa, OK 74133, stated that this should be an RS-4 type of development with 50-foot frontage.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to **APPROVE** the preliminary plat for Cross Timbers West at Northwest Passage, subject to special conditions and standard conditions per staff recommendation.

Cross Timbers Extended at Northwest Passage – (2221) (PD 11) (CD 1)

Southeast corner of West 30th Street North and Gilcrease Museum Road

STAFF RECOMMENDATION:

This plat consists of nine lots, one block, on 1.75 acres.

The following issues were discussed June 1, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-624. Show changes to school site size and development areas. Minor amendments need to be filed to the PUD. Show proposed Gilcrease Expressway on plat and location map.
2. **Streets:** Document right-of-way dedications. Northern end of the arterial was dedicated by the Cross Timbers at Northwest Passage plat, not from the book and page shown for the southern segment. Include a note stating sidewalks are to be constructed on all streets, optionally specifying where they are to be constructed by the developer and where to be constructed by

the home builder. Include language addressing sidewalk construction.

3. **Sewer:** Since Cross Timbers West will tie into the proposed manhole at the southwest corner of the project, please include a stub out to the west for that line to connect.
4. **Water:** No comment.
5. **Storm Drainage:** It appears that a natural drainageway conveys off-site overland drainage across Lot 2 and possibly Lot 1. This drainage must be conveyed in an overland drainage easement unless it is collected and piped to the public drainage system. If it is collected and piped, then that drainage system must be in a utility easement or in a storm sewer easement. Depending on the method of conveyance for the off-site drainage flowing onto Lot 2, the standard language for overland drainage easements may need to be added to Section 1.
6. **Utilities: PSO, Telephone, ONG, Cable:** No comment.
7. **Other: Fire:** No comment. Street name "Gilcrease Drive" on location map does not correspond with name on face of plat. Complete the location map. Should the west section line be North 25th West Avenue? Is the north section line along 36th Street North? Show Tulsa City Limits.

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.

TMAPC COMMENTS:

Mr. Jackson asked how much less property will be for the school site and if Tulsa Public Schools have been contacted.

Applicant's Comments:

Tim Terrell, Tulsa Engineering and Planning, 6737 South 85th East Avenue, Tulsa, OK 74133, stated that he doesn't know if the Tulsa Public Schools have been contacted. He indicated that the reduction of school property is less than two acres (1.75 acres). He believes the school site was originally 15 acres, but it has been a while since he has seen the school site plans.

Mr. Midget didn't think that 1.75 acres would be too much of a decrease.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to **APPROVE** the preliminary plat for Cross Timbers Extended at Northwest Passage, subject to special conditions and standard conditions per staff recommendation.

CONTINUED ZONING PUBLIC HEARING

Application No.: CZ-377

AG to CG

Applicant: Kenneth C. Ellison

(County)

Location: North of northeast corner East 116th Street and North Garnett

STAFF RECOMMENDATION:

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 126th 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 116th 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 116th Street North and North Garnett. The property is vacant, being used for agricultural purposes and zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
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, to 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.

Applicant's Comments:

Kenneth Ellison, 3105 East Skelly Drive, Tulsa, Oklahoma 74135, stated that the Owasso 2010 Land Use Master Plan reflects a commercial zoning along 116th Street on both sides (north/south and both east/west of Garnett). The northeast corner of the subject property is reflected in the Master Plan to be commercially zoned. Mr. Ellison described the various zoning and uses of the corner nodes. Mr. Ellison submitted photographs (Exhibit B-1) of the subject site and surrounding properties.

Mr. Bernard asked Mr. Ellison where the bar is located in relationship to the subject property. Mr. Ellison stated that it is located approximately halfway between 116th Street and 121st Street. Mr. Ellison further stated that the small white building that is left of the bar is a former gas station with the island.

Mr. Ellison read the letter from the City of Owasso from May 22, 2006. He commented that it is unlikely that any significant housing development will be constructed in the 20 acres the letter is referring to. Garnett has always been a heavily traveled thoroughfare and is used to reach US 169 and Highway 75. The

commercial property already exists in the subject area and residential doesn't. If the subject property is allowed to be zoned commercial it will bring investment funds to come into the subject area. He indicated that the brush would be cleared away and the abandoned gas station would be cleared away. He believes that if the zoning is approved it would enhance the subject property and a benefit to the area.

INTERESTED PARTIES:

Charles Caton, 11801 East 123rd North, Collinsville 74021, stated that he just built a home in February close to the subject property. He opposes the commercial zoning request. There is only one way in and out of his small subdivision. Developing the subject property for commercial use will not enhance the neighborhood. The subject area is quiet and there is no noise, everyone knows each other and there is no crime.

Mr. Caton cited the different properties owned by the property owner and described them as eyesores. He expressed concerns with drainage if the subject property is developed with concrete parking lots and buildings. He believes that this development would have a detrimental impact on his property value. He cited the various vacant commercial properties within the subject area.

Rick Fleenor, 10011 North Dover, Owasso, Oklahoma 74055, stated that he owns ten acres on the north side of 121st Street. He has a 1.5 acre pond and will be building a 5,000 SF home. The streets are narrow and stormwater runoff would be a problem. His pond filled in a two-day rain from runoff water. If the trees are torn down for development the runoff will be faster and it would be worse if there is concrete poured for parking. There is no sewer in the subject area and he doesn't believe the subject property would perc. The subject area is predominately residential except for the bar.

Mike Henley, 12116 North 113th East Avenue, Collinsville, 74021, stated that he lives across the street from the subject property. Mr. Henley submitted information regarding other properties that the subject property owner owns (Exhibit B-3) and stated that the subject area doesn't need this type of businesses. He stated he strongly opposes the proposal for commercial. Mr. Henley read his letter he submitted with his concerns (Exhibit B-2). Mr. Henley concluded by requesting the Planning Commission to deny this application and keep the subject area as single-family.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Henley if he participated in the neighborhood meeting that Mr. Wiles held on May 22nd. In response, Mr. Henley indicated that he did attend the meeting.

INTERESTED PARTIES:

Eric Wiles, 9713 East 111th Street North, Owasso, 74055, Community Development Director, cited the history of the application as it relates to the City of Owasso's experience and then a site analysis that has partially been done, then some rationale for their findings and recommendation (see letter dated 5/22/06 from the City of Owasso, page 14.5 of the current packet.) Mr. Wiles concluded that the City of Owasso would be supportive of a land use decision that would result in a future use of residential for the subject property and it would also support office use; however, it would NOT be supportive of an issue that would result in commercial (specifically retail or restaurant use) for the subject property.

TMAPC COMMENTS:

Ms. Bayles asked where the residents in the subject area find their nearest shopping. In response, Mr. Wiles stated that the nearest shopping is at German Corner, one-half mile to the south there is a Piggly Wiggly, Atwoods and hopefully the temporarily closed Quik-Trip will reopen. There is retail on the northeast corner of the intersection one-half mile from the subject property. There are some undeveloped and vacant commercial properties within the subject area. The City of Owasso's finding is that commercial would be inappropriate for the subject property would not deprive the existing residences in the subject area from shopping close by their homes. It may not be a walkable distance for the residents to the east, but it is a reasonable distance for appropriate shopping opportunities.

INTERESTED PARTIES:

Joann Rubin, 12007 North 112th East Avenue, Owasso, 74055, stated that when it rains her street floods. If the subject property is developed, the small creek will be lost and it will flood her home. She explained that she is originally from Chicago and she loves living in the country and doesn't want commercial zoning.

Mr. Bernard announced that he received four letters of protest (Exhibit B-2).

Applicant's Rebuttal:

Mr. Ellison submitted a photograph of a building that was referred to as being unsightly (Exhibit B-1). He doesn't consider it unsightly and believes that the subject property can be improved and will be a benefit to the neighborhood. He objected to Mr. Henley being allowed to protest this application since he owns a nonconforming use (beauty shop).

Ms. Hill made a motion to deny the CG zoning for CZ-377.

Mr. Harmon stated that the transition from AG to CG is a little too harsh and something more in a lighter vein might have worked. Ideally he believes that the subject property should develop residentially and it is appropriate to deny CG zoning.

TMAPC Action; 9 members present:

On **MOTION** of **HILL**, TMAPC voted **9-0-0** (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to recommend **DENIAL** of the CG zoning for CZ-377 per staff recommendation.

ZONING PUBLIC HEARING

Application No.: CZ-379

AG TO RE

Applicant: J.R. Donelson

(County)

Location: 181st Street North and North Harvard Avenue

STAFF RECOMMENDATION:

No rezoning cases have occurred within this nine-square mile section recently.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 81± acres in size and is located on the west side of what would be North Harvard Avenue if it went through and East 181st Street North. The property is vacant, in agricultural use and zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
Through Woodberry Farms (adjacent on the east)	N/A	N/A	Two lanes

UTILITIES: The subject tract has no municipal water; it will be through Rural Water District #4. Sewer will be through anaerobic or alternative means.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land and platted as Woodberry Farms in 2004, zoned AG; on the north by vacant land, zoned AG; on the south by pasture land with what appear to be numerous vehicles on it, zoned AG; and on the west by vacant land zoned AG. To the southeast is a large-lot single-family development, zoned AG; and to the northwest, north of East 186th Street North in Washington County, is also a large-lot single-family residential development.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: This application was referred for comment to the Skiatook Planner, Mr. David Truelove. He stated that the Town of Skiatook has no plans to annex the property, and that it is located sufficiently far from the town that the Planning Commission had no concerns about development there.

STAFF RECOMMENDATION:

Based on development trends in the area staff can support the requested RE zoning, noting that RE density is approximately half-acre lots. Staff recommends **APPROVAL** of RE zoning for CZ-379.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to recommend **APPROVAL** of the RE zoning for CZ-379 per staff recommendation.

Legal Description for CZ-379:

The south 99.00' of U.S. Government Lot 1 and the Southeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter, less the East 30.00' thereof for the road in Section 5, T-22-N, R-13-E, Tulsa County, State of Oklahoma, containing 81 acres more or less, **From AG (Agriculture District) To RE (Residential Single Family Estates District).**

Application No.: Z-7027

RS-3 to IL

Applicant: All-Commerce, LLC

(PD-17) (CD-6)

Location: 14716 East Admiral Place

STAFF RECOMMENDATION:

Z-6939 April 2004: All concurred in the approval of a request to rezone a 6 acre tract from RS-3 to IL for horse and cargo trailer sales and service located east of the northeast corner of East Admiral Place and South 145th East Avenue and northeast of subject property.

Z-6875/PUD-679 June 2003: All concurred in approval of a request for rezoning a 15 acre tract of land from AG/SR/CS/IL to IL/PUD for Auto Auction and storage, located on the southwest corner of East Admiral Place and South 161st East Avenue and east of subject property.

Z-6823 July 2001: All concurred in approval of a request to rezone a 2.04-acre tract located on the north side of East Admiral Place and west of South 161st East Avenue from RS-3 to IL for the continuation of a parking and storage area for an automobile auction.

PUD-560-1 July, 1997: All concurred in approval of a minor PUD amendment to reconfigure Development Areas 1-3 to create Development Area 5, with no additional building floor area, signage or other changes to the PUD standards. Development Area 4 was to remain a drainage way.

Z-6587/PUD-560 May, 1997: All concurred in approval of a request for rezoning a 12.5-acre tract of land from AG to IL/PUD-560 west of the southwest corner of East Admiral Place and South 161st East Avenue per staff recommendations and including a 100' drainage way in Development Area 4, on the west side of the tract.

Z-6585/PUD-556 February 1997: A request to rezone a 4.5-acre tract located on the south side of Admiral Place and west of 161st East Avenue, east of the subject property, from SR to CS or IL. Approval was granted for IL zoning to a depth of 350' fronting East Admiral Place with the balance of the tract to remain as SR zoning.

Z-6644 July 1998: All concurred in approval of a request for rezoning a 119 acre tract from AG to IL for warehouse and distribution center located on the southwest corner of East Admiral Place and South 145th East Avenue and located west of subject property.

Z-6640 June 1998: All concurred in approval of a request for rezoning a 5 acre tract from AG to IL for a trucking establishment locate north of the northwest corner of I-244 and North 145th East Avenue and located north of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 9.81± acres in size and is located east of the southeast corner of East Admiral Place and South 145th East Avenue. The property appears to be vacant, partially wooded, sloping slightly to the north and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Admiral Place	Secondary arterial	100'	4 lanes
South 145 th East Avenue	Primary arterial	120'	4 plus turning lanes

UTILITIES: The subject tract has municipal water and sewer available. A water line is available at the front of the property on the same side of the street and a sewer line is diagonally across the street from the site.

SURROUNDING AREA: The subject tract is abutted on the east by a church, zoned RS-3 and IL; on the north by a trucking/freight firm, zoned IL; on the south by vacant land, zoned AG; and on the west by residential uses and an office/industrial use, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity-Industrial land use and Linear Development Area. According to the Zoning Matrix, the requested IL is in accord with the District Plan. Policies for Medium Intensity Linear Development Areas in the District Plan indicate that industrial uses may be located west of South 161st East Avenue. An industrial Special District lies immediately north of this tract, between East Admiral Place and Skelly Drive.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding land uses and trends in the area, staff can recommend **APPROVAL** of IL zoning for Z-7027.

TMAPC COMMENTS:

Mr. Ard asked if the properties on either side of the subject property zoned IL as well. In response, Ms. Matthews stated that it is zoned RS-3 immediately to the west.

Ms. Matthews stated that the applicant is present and could probably give more details about the abutting properties. The property to the west is zoned RS-3, but it is being used for church use.

Applicant's Comments:

Park Allwine, 2469 East 22nd Street, Tulsa, Oklahoma 74114, stated that there are two adjacent RS-3 properties and there is a church to the west. The east border of the church begins IL zoning.

TMAPC COMMENTS:

Mr. Ard asked what was specifically on the corner of 145th and immediately adjacent to the west of the subject property. In response, Mr. Allwine stated that

Southwestern Bell is located on the corner. Mr. Allwine described the surrounding properties and their uses.

INTERESTED PARTIES:

Jim Mautino, 14628 East 12th Street, 74128, representing Tower Heights Neighborhood Association and Homeowners for Fair Zoning, stated that a Phase I Corridor Plan has been started and the Phase II Corridor Plan is for Admiral Place from Memorial to 193rd. He indicated the 70 acres adjacent to the subject property is in the process of being sold and developed for residential by Jeff Scott. (Mr. Scott was not present.) He indicated that there is a sewer line and a water line south of Albertsons and it comes across 145th for the express purpose of developing the 70 acres into residential. The citizens of City of Tulsa, through a general obligation bonds, put in a sewer line that extends from 129th to 145th. The property south of Albertsons is going to be developed residential and the corner of 129th and Admiral Place is retail, which is in accord with what he is trying to do with the whole area. After a lengthy history of the surrounding properties, Mr. Mautino requested that the Planning Commission postpone their decision to research it more.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Mautino if someone is working on a residential plan for the 70 acres right now. In response, Mr. Mautino stated that there is a Phase II Plan that is looking at the Admiral Place Corridor from Memorial to 193rd East Avenue and it all stems from what is happening at 193rd with the Cherokees, casinos and the hotel that is being built. There is a lot of land in this area that is developed from RS, IL, and RMH.

Mr. Jackson stated that he thought Mr. Mautino indicated that someone was working on a plat. In response, Mr. Mautino stated that the 70 acres is now in the process of being sold and residential being proposed. Mr. Mautino further stated that his contact with Jeff Scott was that he would be present today. However, he didn't show up. Mr. Mautino indicated that Jeff Scott was going to present this proposal today and the people who have purchased the property are planning residential land use. Mr. Mautino stated that Mr. Scott stated that it would be a great detriment to him if the subject property was rezoned IL.

Mr. Bernard stated that there is a lot of industrial and commercial zoning in the entire corridor. He asked Mr. Mautino if he believes that the subject application would be detrimental due to the surrounding zonings.

Mr. Mautino stated that there is less industrial land and more junk in the subject area and residents probably need Neighborhood Inspections to visit.

Mr. Ard stated that the subject property has industrial on three sides and commercial on the fourth side. It would be great if all of the property to the south of the subject property was developed residentially, but he wonders if the subject

property on the agenda today would really have the potential to develop residentially based on the adjacent properties.

Mr. Mautino stated that he can only say that he has a developer who wants to develop the 70 acres residentially and if the subject site is zoned industrial, then he will back out. Mr. Mautino further stated that with the Phase II Plan that he has and it is looking at changing the face of all of the property that is in there that is not fully developed. It would be an asset to the City of Tulsa if he could get retail in the subject area and he is planning (SRO is planning) retail at the corner of 129th and Admiral and if the City keeps zoning industrial in the subject area, then the retail will never happen. The City of Tulsa spent over two million dollars putting sewer and water in the subject area for that express purpose.

Ms. Bayles asked Mr. Mautino if it is his intent to request a continuance. In response, Mr. Mautino answered affirmatively.

Applicant's Rebuttal:

Mr. Allwine stated that the property Mr. Mautino is speaking about already abuts three IL properties along the northern border: the Baptist Church, and the commercial general-zoned property that the Parkhursts own. Mr. Allwine further stated that he is sensitive to Mr. Scott and Mr. Mautino in wanting to develop the 70 acres, which is zoned AG. He indicated that he contacted the owner, Mr. Sanditen, about pushing a sanitary sewer line all the way to the southern border of the subject property, which would enhance the 70 acres, as well as a water line. On the southeast corner of the Yellow Freight property there is a sanitary sewer junction, which he would extend to the subject property and could extend farther south to enhance the 70 acres. Mr. Allwine stated that he would prefer a favorable vote today, but he would work with the owners of the 70 acres to enhance their property.

TMAPC COMMENTS:

Mr. Midget asked Mr. Allwine if Mr. Sanditen seemed to be receptive to the idea of pushing the sewer line toward his property to enhance it. In response, Mr. Allwine stated that he has not had a direct conversation with Mr. Sanditen, but did leave a voicemail regarding this subject. Mr. Allwine further stated that he would be willing to work with the owner to extend the street to the southern border of his property as well.

Mr. Bernard asked Mr. Allwine if he knew what was planned for the subject property. In response, Mr. Allwine stated that Mr. Mautino referred to retail, and the gentleman he purchased the property from had stated that he intended to build a retail mall on the subject property in 1977, but he indicated that development went south and not east for retail. The subject property is the last piece of property the previous owner had. Mr. Allwine stated that he sold his company called Metal Panels Inc., which is a metal building manufacturing company, and the purchaser of the business requested that Mr. Allwine find a

new location for the business. Mr. Allwine stated that he has looked at sites to the east and also in Rogers County. He indicated that he would prefer to stay in Tulsa County. The new owner of the business did five million dollars worth of business last year and he expects him to do eight million this year, of which is a majority in retail sales and would generate a sales tax base for the City of Tulsa. Some of the pieces of land will probably be divided and sold off, but he intends to corner off at least four acres for the business. The process of developing the plans has already started.

Mr. Bernard asked Mr. Allwine if he would be open to a continuance and working with Mr. Mautino. In response, Mr. Allwine stated that it would difficult to continue this case because of the timeline and the platting process. He would prefer to move in around February or March. It would difficult to move the business into a new location during the busy season of March and April.

Ms. Bayles stated that in the past when there has been a request for a continuance, it has been honored whether it came from the applicant or an interested party. In this instance she sees that if the Planning Commission continued this case to July 28th, there may or may not be that delay that would cause undue inconvenience. Ms. Bayles further stated that she is having a problem struggling with the fact that there will be two homeowners on two sides of the subject tract at risk with IL development, particularly now that Mr. Allwine is stating that he plans to split some of the tracts off and sell them for a use as yet undetermined.

Ms. Bayles made a motion for a continuance to June 28, 2006.

No second, motion failed.

Mr. Harmon stated that he would not support a continuance because the gentleman to the south of the subject property had an opportunity to appear today and failed to do so. The Planning Commission has enough information to make a decision.

Mr. Allwine stated that the there is a 75-foot setback from residential and agricultural land that he will have to abide by on the subject property.

Mr. Midget stated that he would make a motion in support of staff recommendation because he doesn't see it as being injurious to the area. There is obviously IL surrounding the subject property. He appreciates, understands and is familiar with the work that Mr. Mautino and staff have been doing in the area. He believes that some of the objectives can still be accomplished and the whole idea of turning this into a retail or shopping center may happen in the year of 3010, but he doesn't see it happening in his lifetime because of the massive acquisition it would have to go on in the subject area. Mr. Midget concluded that

he would hate to see the business to move to a sister county, particularly a business that creates both jobs and sale tax for the City of Tulsa.

Mr. Harmon stated that he would second that motion because the area is going through a lot of transition and there is mixed zoning in the subject area. Something positive can come from this application and an IL development would be a positive thing.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-1-0** (Ard, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; Bayles "nay"; none "abstaining"; Carnes, Collins "absent") to recommend **APPROVAL** of the IL zoning for Z-7027 per staff recommendation.

Legal Description for Z-7027:

Lot 5, Less the West 466.7' thereof, and Less the East 165' thereof, Section 3, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, **From RS-3 (Residential Single Family District) To IL (Industrial Light District).**

Application No.: PUD-680-4 **MINOR AMENDMENT**

Applicant: Roy D. Johnsen (PD-6) (CD-9)

Location: Southeast corner East 22nd Place and South Utica

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment of PUD-680 for the purpose of modifying building heights within Development Area A (single-family detached) and Development Area B (low intensity office).

One Utica Place, a mixed use infill development containing single-family detached dwellings, condominium dwellings and office space, comprises three development areas:

Area A (platted as Lots 3 thru 11, Block 1, One Utica Place) planned for single-family detached residences.

Area B (platted as Lot 2, Block 1, One Utica Place) planned for low intensity office use).

Area C (platted as Lot 1, Block 1, One Utica Place) planned for a ten-story office/residential condominium building with attached parking garage and presently under construction.

For reference, the approved development areas are graphically depicted within the attached Exhibit "A" and the recorded subdivision plat of One Utica Place is attached as Exhibit "B".

This minor amendment proposes the modification of height limitations applicable to Development Areas A and B as follows:

<u>Development Area</u>	<u>Height as Approved</u>	<u>Height Proposed</u>
A – Lot 3 thru 9 and Lot 11, Block 1	35 ft./1 ½ stories	42 ft./2 stories
A – Lot 10, Block 1	35 ft./1 ½ stories	42 ft./3 stories
B – Lot 2, Block 1	35 ft./2 stories	52 ft./2 stories/ elev. 762 ft.

The proposed increase in height is to permit larger homes to be built than currently permitted at 1 ½ stories. In regard to Lot 10, the design further includes an architectural feature appearing as a bell tower and serving as a project identifier at the northwest corner of the development.

The proposed increase in the office building height results from the inclusion of an architectural feature (tower along the south wall) serving as a stairwell to a mechanical equipment area and a second architectural feature (tower at the northwest corner) provides additional light for the second level.

For reference the elevations of the two-story office building are depicted within the attached Exhibit "C" and a conceptual rendering of the northwest corner and southwest corner of the development are attached as Exhibit "D" and Exhibit "E".

Except as modified above, the development standards as previously established shall remain in effect.

Staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-680-4 as proposed.

TMAPC COMMENTS:

Mr. Ard asked if the application is about the bell towers or the end caps. He asked if these are the only parts of the structure that would increase in heights. In response, Ms. Matthews stated that she believes that is correct. He asked why Lots 3 through 9 and Lot 11 are included in this application when this only

about specific tower locations. Ms. Matthews stated that Mr. Johnsen would have to answer these questions.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Utica Place LLC the developer of One Utica Place, stated that the application is for more than the bell towers. West of the development looking east and slightly south, at the northwest corner of the development along 22nd Place, the property in this application is to permit a third story because there is a good possibility that it may be partially enclosed, which would make it a three-story structure and is a part of the house adjoining this feature. The other lots to the south and east are in this application to amend the previous 1 ½ stories to now three stories, and for the other nine dwellings, which were originally approved for 1 ½ stores, are now two stories. He explained that the market is strong for high-quality homes at this location and larger homes are preferred. Homeowners want 12- and 14-foot ceilings, and when this is added together in a stem wall and steeply-pitched roof, then it becomes 42 feet.

Mr. Johnsen stated that the other request is for the office in the southeast corner of the project. It is definitely an architectural feature, which is also the access to the heating and air-conditioning system that is behind the roofline. There are two levels of the office building and then up to the next level that is not occupied but adds to the height and that is the reason for the height change on that. The project concepts haven't changed and they are essentially minor in nature and are design-based requests.

TMAPC COMMENTS:

Mr. Ard asked if the only things that will change are the two towers that are above the main roofline. In response, Mr. Johnsen answered affirmatively.

Mr. Ard stated that it looks as though the bell tower is much taller than the remainder of the residential structure. In response, Mr. Johnsen stated that it is drawn that way, but the changes he is requesting would permit those other houses to have steeper pitched roofs and the things that we are talking about are to reach 42 feet.

Mr. Ard asked if what the Planning Commission would be voting on is the entirety of the residential structure to have a height of 42 feet. The office building would have only the two architectural issues having a height of 42 feet. In response, Mr. Johnsen stated that he believes that is correct.

Mr. Harmon stated that in Development Area B, Lot 2, Block 1 is proposing 52 feet and he asked if that was an error. In response, Mr. Johnsen stated that this would be the office building. Mr. Johnsen stated that he filed a minor amendment previously on the southeast corner to allow office use/two stories.

Mr. Bernard stated that on Exhibit D, the bell tower is actually a part of the residence, but it is not going to be open or a portion would be enclosed. In response, Mr. Johnsen stated that the upper level could be partially enclosed and it would make it a third story. He doesn't believe the entire upper level would be enclosed.

Mr. Bernard addressed staff that, based on the dialogue today, the Planning Commission would be giving the applicant the right to enclose the upper level.

Mr. Alberty stated that he is not sure, but he is almost positive that when staff reviewed the case, these were the elevations that were presented. If there are any changes in these elevations, then it has been brought to his attention by what Mr. Johnsen presented. The recommendation made by staff was based on these elevations and it is different from what he is hearing today than what was presented.

Mr. Bernard asked staff what their opinion is based on what has been presented today. In response, Mr. Alberty stated that if the Planning Commission approves these heights and it is not specific to the elevations then it would require a change. In other words, when staff was presented these elevations, along with the request to change, the recommendation was based on what staff reviewed. What Mr. Johnsen has done is basically change those elevations today and state that the entire building on that corner will be three stories and he is not sure that staff is prepared to present a recommendation on that today.

Ms. Bayles asked staff to define how they determine a minor versus a major amendment of this sort.

Mr. Alberty stated that it is spelled out in the ordinance what the staff can consider. If it is considered not a substantial change from the intent of the original approval it would be considered a minor amendment. He can almost assure the Planning Commission that when this was reviewed it was for the bell towers and not the three stories and the three stories in height would be substantial and require a major amendment.

Mr. Johnsen stated that in a residential (basic R district) there is a 35-foot height limitation and it can be three stories and oftentimes is (depending on roof pitch). When this application was brought in originally, it was presented as a two-story building. He believes that height changes are considered minor by code and is done frequently. There is another review going on with this project, which is elevation. In most PUDs there are no elevation reviews, but in this one there is. He believes what Mr. Alberty is saying is that if staff felt that this was being approved with that upper level on the corner unit being all opened, then it may require a change in the approval of the site plan, which is not an amendment.

Mr. Bernard stated that the upper level is shown all opened and he is lost to what is being requested.

Mr. Johnsen stated that if the applicant feels that the back part of the upper level should be enclosed, then it would be a material change and there would have to be a revision to the site plan. Mr. Johnsen offered the following alternative: he would agree to the Planning Commission approving the minor amendment just like it is, but permit three stories subject to site plan approval and if he decides to have three stories, then he would bring back a revised site plan. Mr. Johnsen stated that this is an outstanding project and a very complicated project. He thanked the staff and the Planning Commission in their review, recognizing the complexity of designing a project like this and carrying it out. This type of project triggers amendments and it is part of the process. He indicated that his client is anxious to proceed and the elevation that has been submitted and the site plan that goes with it could be approved as it is and as far as a minor amendment potential permit three stories on that one lot and if the buyer of the lot elects to have three stories then he will resubmit a detail site plan on it.

Mr. Bernard asked if staff concur with Mr. Johnsen's comments.

Mr. Alberty stated that he was trying to clarify that staff had the site plan and this was the elevations that staff considered for the minor amendment and the two are hand in hand. What I heard Mr. Johnsen state was different than what was presented here. This would require another process and if the minor amendment is approved for three stories, it is staff's opinion that the third story would be on the architectural feature only and that was what was shown, not for the increased height of the building. That is different and now having heard that he believes that the minor amendment, should the Planning Commission approve it, should be conditioned upon the reflection of the detail site plan if it should be approved.

Mr. Jackson asked staff if it should be approved as Mr. Johnsen stated, that it be approved for three stories and then if he wants to do the whole thing then he would have to submit another site plan. In response, Mr. Alberty stated that it is actually the elevation.

Mr. Jackson asked staff if they mean elevation in height or in three dimensions. In response, Mr. Alberty stated that it is the building elevation and not the site plan.

Mr. Bernard asked if it is elevation in height or elevation as to what the front of the building looks like. In response, Mr. Alberty stated that it is the elevation as it appears in height and looks.

Mr. Johnsen stated that occasionally elevations are used to identify the height. He doesn't want to mislead the Planning Commission. The only thing that will be three stories is the bell tower and the rest of the structure will not be three

stories. It is depicted as uninhabited space and the height will not change. It is an architectural feature.

Mr. Ard stated that what the Planning Commission is considering is, regardless of how many stories are inside the structure, allowing an increase from 35 feet to 42 feet on the entirety of that building.

Mr. Johnsen stated that he is limiting the 42 feet to the bell tower. In response, Mr. Alberty stated that he misunderstood that it would be the entire building. Mr. Ard stated that he thought the same as Mr. Alberty, that the increase was for the entire building. Mr. Ard asked Mr. Johnsen if he is stating that all he needs is an increase of 42 feet on the bell tower and the remainder of the residential building (of that particular residential building) can remain at 35 feet. Mr. Johnsen answered negatively.

Mr. Bernard stated that the staff recommendation doesn't state 35 feet, but that it is proposed for 42 feet.

Mr. Johnsen stated that there is height and there are stories. The building height that he is suggesting is 42 feet throughout all of the single-family area because the market has become more recognized and detail plans are done with 14-foot floors, engineered trusses and it can't be done within 35 feet. The 42 feet is for all of the single-family lots and they will be two stories, except for the bell tower if it has any enclosed habitable space, then it will be considered a floor.

Mr. Bernard asked if it would still be 42 feet if the upper level is partially enclosed. In response, Mr. Johnsen answered affirmatively.

Mr. Jackson stated that the applicant wants building height of 42 feet at two stories, but he would like to have the ability to have three stories in the bell tower if it is ever closed in, but the height will remain at 42 feet.

Mr. Johnsen agreed with Mr. Jackson's statement. He clarified that he would like an approval on the minor amendment and detail site plan as it is presented today, and if the upper level of the bell tower is enclosed, he would resubmit a detail site plan for the bell tower.

Mr. Jackson asked staff if they are in agreement. In response, Mr. Alberty answered affirmatively.

INTERESTED PARTIES:

Greg Jennings, 2260 South Troost, Tulsa, Oklahoma 74114, stated that he doesn't see a problem with this proposal today. If the third story is enclosed and the applicant brings back a detail site plan for it, that shouldn't be a problem. The 52 feet in the office building he doesn't have a problem with and it is appropriate. Having the townhouses facing Utica is a nice transition from the office tower in

the background which then goes down into residential. It is not the height of the buildings that bothers him, but the context in which they are done. This is a fabulous development and he hopes it is very successful.

Jean Kline, 2403 South Troost, 74114, stated that she needs some clarification on how the houses will face. She commented that she believes this will be a fabulous project and pleased to be located near it. Ms. Kline asked where ingress/egress would be located.

Ms. Matthews stated that all of the access would be through the interior and no access onto Utica.

Ms. Kline thanked staff and the Planning Commission for the clarification.

Ms. Matthews stated that the Planning Commission has copies of the letters that were emailed to staff.

Mr. Bernard read the letter with questions and concerns regarding sidewalks and building heights, which have all been addressed.

Mr. Boulden stated that he is concerned about the discussion regarding the bell tower and references to heights and reference to stories. Height of a building is allowed by minor amendment, but the provision that allows minor amendments for heights does not refer to stories as being a minor amendment. Stories are defined in the Zoning Code as a set of rooms, which would make that enclosed. Mr. Boulden stated that he is unsure of what the Planning Commission is approving today and he is concerned whether the Planning Commission knows that they are approving another story or an increase in height.

Mr. Bernard stated that they are addressing the minor amendment and addressing the height issue with the elevation.

Mr. Alberty stated that with the exception of the office building in Development Area B, which is an increase in stories.

Mr. Boulden asked if staff's recommendation is an increase in height, which includes an additional story. In response, Mr. Alberty stated that they were 1 ½ stories and are now two stories and that could be considered an increase in stories and it is also a height increase for the bell tower and it remains two stories.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to **APPROVE** the minor amendment for PUD-680-4 per staff recommendation, subject to site plan review and looking at any elevation with changes that may be there.

OTHER BUSINESS:

Application No.: PUD-680

DETAIL SITE PLAN

Applicant: Sack & Associates, Inc.

(PD-6) (CD-9)

Location: Southeast corner East 22nd Place and South Utica

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a two-story general office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with development standards of PUD-680.

The proposed building complies with setbacks and permitted floor area per development standards. Proposed parking and landscaped area are also in compliance with standards as well as the Zoning Code. Building height currently exceeds standards; however, an application has been made, PUD-680-4, to amend building height restrictions. No site lighting has been planned for the site.

Therefore, staff recommends **APPROVAL** of PUD-680 detail site plan subject to TMAPC approval of PUD-680-4.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins "absent") to **APPROVE** the detail site plan for PUD-680 per staff recommendation, subject to TMAPC approval of PUD-680-4.

Commissioners' Comments:

Mr. Bernard reminded the Planning Commission that next week is the week that zoning changes will be addressed. He encouraged everyone to read the notes from the June 13 staff meeting regarding these issues.

There being no further business, the Chair declared the meeting adjourned at 3:39 p.m.

Date Approved:

7/19/06


Chairman

ATTEST:


Secretary