

**Amended**  
**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2458**

Wednesday, September 20, 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		Chronister	
Cantees		Fernandez	
Cantrell		Huntsinger	
Carnes		Matthews	
Collins			
Harmon			
Jackson			
Midget			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, September 19, 2006 at 8:45 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Bernard called the meeting to order at 1:31 p.m.

## **REPORTS:**

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

Mr. Bernard reported that according to Mr. Alberty the worksession for next week will be fairly intensive. In response, Mr. Alberty stated that there are a number of items that staff have been asked to address. Mr. Alberty cited the various requests made for the worksession from the Planning Commission.

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

Mr. Alberty reported that the TMAPC receipts for the month of August are basically slightly ahead of last year.

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

Mr. Bernard apologized to the Planning Commission for not abiding the rules regarding time issues in the past few meetings, which allowed applicants and interested parties to speak longer than is allowed. He indicated that he plans to keep that in check and asked Mr. Ard and Mr. Carnes to keep time for the limits to prevent applicants and interested parties from unjustly sitting for hours on end. He requested that the Planning Commissioners be recognized before speaking. In the past there have been two or three people trying to talk at the same time. The Planning Commissioners will all have an opportunity to speak or ask questions at any time.

\* \* \* \* \*

Mr. Bernard reported that there are several items on the agenda that have requested a continuance.

**PLAT WAIVERS:**

**BOA 20246/Z-7021** – (9431) (PD-18) (CD-6)

5705 South 107<sup>th</sup> East Avenue (continued from 8/16/06, 9/6/06)

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to October 4, 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, Cantees, Cantrell, Carnes, Harmon, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget, Wofford "absent") to **CONTINUE** the plat waiver for BOA-20246/Z-7021 to October 4, 2006.

\* \* \* \* \*

**PRELIMINARY PLAT:**

**Polson Industrial Park – (9232)**

(County)

5555 South 65<sup>th</sup> West Avenue (north of northeast corner of West 56<sup>th</sup> Street South and 65<sup>th</sup> West Avenue) (continued from 8/16/06, 9/6/06) (**Applicant requests continuance to November 1, 2006 to facilitate redesign of project.**)

**STAFF RECOMMENDATION:**

The applicant is requesting a continuance to November 1, 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, Cantees, Cantrell, Carnes, Harmon, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget, Wofford "absent") to **CONTINUE** the preliminary plat for Polson Industrial Park to November 1, 2006.

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**Application No.: PUD-599-D**

**MAJOR AMENDMENT**

**Applicant:** Kevin C. Coutant

(PD-18c) (CD-7)

**Location:** Southwest corner of East 61<sup>st</sup> Street and South 104<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to October 4, 2006 in order to make changes requested by TAC.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **ARD**, TMAPC voted **7-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget, Wofford "absent") to **CONTINUE** the major amendment for PUD-599-D to October 4, 2006.

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

**Application No.: Z-7038**

**RM-2 to CH**

**Applicant:** Gregory S. Helms

(PD-6) (CD-4)

**Location:** 1433 and 1435 South Troost

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to October 18, 2006 in order to meet with TAC.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **CONTINUE** Z-7038 to October 18, 2006.

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**Application No.: PUD-431-A-9**

**MINOR AMENDMENT**

**Applicant:** Jeffrey G. Levinson

(PD-26) (CD-8)

**Location:** 101<sup>st</sup> Street, west of South Sheridan Road and east of South Kingston Avenue

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to October 18, 2006.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **CONTINUE** the minor amendment for PUD-431-A-9 to October 18, 2006.

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**Application No.: PUD-677-A     DETAIL SITE PLAN AND LANDSCAPE PLAN**

**Applicant:** Crestwood at the River/Donna Bullock (PD-26) (CD-8)

**Location:** Quarter mile west of South Sheridan Road and north side of East  
121<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to October 4, 2006 for additional details/changes that require review by the applicant's project engineer, who is out of town.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **CONTINUE** the detail site plan and landscape plan for PUD-677-A to October 4, 2006.

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**SUBDIVISIONS:**

**PLAT WAIVERS:**

**BOA 11003/Z-6957 –** (9312) (PD-5) CD-5)

1253 South Memorial Drive (continued from 9/6/06)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning for a parking lot and interior remodeling.

**Staff provides the following information from TAC at their August 17, 2006 meeting:**

**ZONING:**

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

**STREETS:**

Memorial is a primary arterial. A 50-foot right-of-way appears to be filed and a 60-foot right-of-way is needed. Subdivision Regulations require sidewalks. Question # 4 – additional ten feet of right-of-way is required. Question # 8 – Limits of No Access Document is required.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORM DRAINAGE:**

At a minimum, the floodway should be placed in an Overland Drainage Easement, but this can be done with a separate instrument and does not require platting.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested per the TAC comments because of the existing plat for the site. The overland drainage easement, limits of no access agreement and ten-foot right-of-way dedication must be provided per Public Works approval by separate instrument.

***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

\*An overland drainage easement is needed.

\*\* A Limits of No Access agreement is needed.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Collins, Midget "absent") to **APPROVE** the plat waiver for BOA-11003/Z-6957 per staff recommendation.

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Mr. Midget in at 1:39 p.m.

**BOA 20336 –** (9334)

(PD-18) (CD-7)

Southwest corner of East 51<sup>st</sup> Street South and South Hudson Avenue

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a special exception approved on September 12, 2006 for a new library at LaFortune Park.

**Staff provides the following information from TAC at their September 7, 2006 meeting:**

**ZONING:**

TMAPC Staff: The plat waiver is for property zoned RS-2.

**STREETS:**

Subdivision Regulations require sidewalks on street frontages; sidewalk already exists on 51<sup>st</sup> Street South and this requirement would apply to South Hudson Avenue. On the plat waiver checklist, correct answers for the following questions are: Question # 3: No. Unplatted property exists on two sides. Question # 4: Yes. 30-foot intersection radius is required. Question # 8: Yes. Access restrictions by separate instrument required on 51<sup>st</sup> Street.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORM DRAINAGE:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested per the TAC comments because of the existing park developed on the site, as that use has been there for many years. The radius easement and access instrument can be received by separate instrument. The Board of Adjustment approved the use per the attached site plan with curved sidewalks and a two-year time limit for the sidewalks to be constructed. Originally, there was a request for a sidewalk waiver received. The waiver request is now modified to ask for a partial waiver of



the requirement from the area "south of the new building site from the existing north entrance to the Tennis Center parking area to the south property line. This area of the site is part of the Tennis Center and is outside of this project site." Staff is not favorable to the sidewalk waiver requested.

**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 |

\*The water line extension is under construction.

**TMAPC COMMENTS:**

Mr. Ard asked staff if the sidewalk that is indicated on page 3.5 is a concrete sidewalk or a gravel path. In response, Mrs. Fernandez stated that the standard would be for a concrete sidewalk per City of Tulsa standards.

Mr. Ard asked staff if their issue was from the point where the new parking is shown on to the south past the tennis courts there are no sidewalks. In response, Mrs. Fernandez stated that it is the issue and that particular area is within the plat waiver request per the submittal of the applicant. The applicant does mention in the waiver request that it is not part of the construction for this particular site. In response, Mr. Ard asked if it is not part of the site because those improvements are already in place. In response, Mrs. Fernandez answered affirmatively.

Mr. Jackson asked if this is a City park or County park. In response, Mr. Boulden stated that it is a County park within the City of Tulsa limits.

**Commissioner Collins in at 1:42.**

**Applicant's Comments:**

**Darin Akerman**, Sisemore, Weisz and Associates, 6111 East 32<sup>nd</sup> Place, Tulsa, Oklahoma 74135, stated that he is representing Tulsa County and the library because it is a joint facility. Mr. Akerman stated that at the TAC meeting there wasn't too much comment from anyone, but there were a couple of items concerning radius dedication and access limitation along 51<sup>st</sup> Street. He indicated that the County is willing to work with him in order to get the dedication on 51<sup>st</sup> and Hudson and the access limitation on 51<sup>st</sup> Street.

Mr. Akerman stated that Mr. Byer and Mr. Bales are present to answer any questions regarding the sidewalk issue. The sidewalk will be a five-foot concrete sidewalk and will connect onto the existing sidewalk on 51<sup>st</sup> Street. This was for a two-year period of time to construct this as the BOA has approved per the alignment shown. Mr. Akerman reiterated that within a two-year period of time, there will be a concrete sidewalk constructed. Mr. Akerman indicated that he discussed this issue with Mr. Byer and within the next five-year program there will be some improvements to the tennis courts and clubhouse. This could impact some of the designs due to stormwater and other issues. He believes this could affect some of the parking areas along Hudson in front of the tennis courts.

Putting a sidewalk in from 51<sup>st</sup> Street down to the community center isn't a real issue within that two-year period, but to design and install a sidewalk that may be moved in the near future, with possibly a better design later on, was part of the argument.

Mr. Harmon asked Mr. Akerman to point out on the map where the sidewalk waiver is being requested. In response, Mr. Akerman stated that the waiver is for the sidewalks from the Community Center/Library to the tennis courts (south).

Ms. Cantrell asked if the trail is of gravel or concrete and where it leads. In response, Mr. Akerman stated that the existing trail is a chat-trail and it loops around the tennis court area internal to the park, then bends back south to Hudson.

**Al Byer**, program management group, 624 South Boston, 74119, stated that the subject project is a Vision 2025 project that has limited funds for the library and community center. He doesn't have the funds at this time to construct the sidewalk, but would construct it with future development with the tennis courts. He is asking for a delay to install the sidewalk. He indicated that he has a two-year period to install the sidewalk.

Mr. Byer indicated that there will be more improvements in the future and they are trying to update the master plan. If they were to install the sidewalk now it may have to be removed at a later date for future improvements. He would like to wait two years to install the sidewalk. He explained that some of the projects are over the budget that was allowed.

Mr. Boulden asked Mr. Byer if he already did the project and he is over budget. In response, Mr. Byer answered affirmatively. Mr. Boulden asked if this project has already taken up any contingency. In response, Mr. Byer stated that there are some contingency funds, but he is trying to reserve them for construction. Mr. Boulden asked Mr. Byer if he doesn't consider the sidewalk part of the construction. In response, Mr. Byer stated that he didn't consider that part of the project being worked on at this point and the tennis courts are a separate project.

**Richard Bales**, Director of Tulsa County Parks, 2315 Charles Page Boulevard, 74127, stated that he has been the manager of the park for 20-plus years. The trail went in as a project for Memorial High School years ago, which was a great concept. The trail has many pluses and a few minuses. One of the minuses was that it put people too close to the streets and he has spent many years and several dollars, with some help from the City of Tulsa, moving people from the street, including the sidewalk along 51<sup>st</sup> Street. If he located the sidewalk between the tennis court parking lot and Hudson, he would be putting the user right against the street. This is a public safety issue and he is trying to keep the trails as far from the street as possible. He requested the BOA last week to allow him to install the meandering sidewalk with the gardens.

**Linda Saferite**, Chief Administrative Officer, Tulsa City/County Library, 400 Civic Center, 74103, stated that this is a partnership between the County of Tulsa and Tulsa City/County Library. She is grateful to the County for providing the site. She explained that the library will be built with 100% donated funds and she has had to raise her budget twice. The library is within \$35,000.00 of making their budget for this amenity. She would love to have a sidewalk and make this accessible, but she understands that the money is short.

Mr. Bernard asked Mr. Bales to come forward.

Mr. Bernard asked Mr. Bales if he plans to move the parking lot back to a certain extent or if there is a way to put a sidewalk through that area that would not jeopardize people's safety and still accomplish giving people access and place a to walk. In response, Mr. Bales stated that the subject project started three years ago and he wasn't aware of this issue. As the project moves forward with the tennis center, then the parking and sidewalks will be taken into consideration at that time.

Mr. Bernard asked Mr. Bales if he would design the parking lot and tennis courts in a way that a sidewalk could be installed. In response, Mr. Bales answered affirmatively.

Mr. Carnes stated that he has total sympathy for raising money, but asked how the Planning Commission can expect the private sector to put in sidewalks when the public sector is not required to install sidewalks.

Mr. Harmon stated that he is in strong support of the library and community center, but he believes that the trails have heavy use and a five-foot concrete sidewalk is highly appropriate. He can't imagine it being a deal buster when discussing several millions dollars compared to a few thousand for the sidewalk. The sidewalk should be required.

Ms. Cantrell stated that of all the places that a sidewalk belongs, it would be from a school to a library. Not having a sidewalk would go against the whole idea of making it a pedestrian friendly area.

Mr. Wofford stated that the City and County is getting a very nice amenity and they are adding sidewalks in area where there haven't been sidewalks. The situation by the tennis courts has been there and people have come and gone for years and to his knowledge there hasn't been any major issue. The parking lots are accessible to the library with the process no more involved than walking into Woodland Hills Mall. If money is an issue and they are planning to redo the tennis courts with public dollars, then it makes sense to him that this may be one place where the existing situation is kept and then accept the new sidewalks for what they are.

Mr. Midget stated that he appreciates Mr. Wofford's remarks and agrees with him. He further stated that he supports the staff recommendations with the exception of requiring the sidewalks at this particular time. He didn't hear any of the speakers say that they would not put in a sidewalk, but they are simply asking for a delay. This request is reasonable, particularly under the circumstances. The sidewalks are needed and sometimes he believes that the Planning Commission has been unreasonable with some of the expectations (such as sidewalks that go nowhere just for the sake of a sidewalk). At some point he hopes the Planning Commission will make some consistent decisions and set some criteria on how these sidewalks are required. When they were designing this facility they were unaware of the new emphasis placed on sidewalk requirements, even though they have always been required. The only thing he has heard them ask is to give them some reprieve for some small time to allow them to construct the facility and redesign some of the other areas of the park to put in sidewalks that would be more functional and safer. Mr. Midget concluded that he could accept staff's recommendation except requiring sidewalks at this time.

Mr. Bernard stated that he agrees with Mr. Wofford. He asked if there was a compromise that could be reached by placing a sidewalk by the parking lot and direct it near the jogging path and this would give access from the school.

Mr. Harmon stated that if there is some way to reasonably enforce the two-year delay he would support that. He asked what could be done if sidewalks are not built after the two-year period. When talking about a public library with a high school close by, a sidewalk is very important. Granted the parking lot has access, but the pedestrian access should be addressed as well.

Mr. Carnes asked Mr. Bales if he is prepared to install a sidewalk from the parking lot to the school. In response, Mr. Bales stated that the school is a good distance south from the project. The park continues to 61<sup>st</sup> Street with approximately 30 acres taken out for the school. Once one gets past the tennis center, then there is golf course and that is where the jogging trail takes over behind the school and cuts west, back east to Hudson, then south.

Mr. Jackson asked if Hudson is curbed and guttered. In response, Mr. Bales stated that it is borrow-ditched. Mr. Jackson stated that the borrow ditch would create another situation.

Mr. Bernard asked if the jogging tract comes up to the property line of the project and then turns west. Is there a way to tie in something between the parking lot and that jogging trail? In response, Mr. Bales stated that there is a green space between the trail and the parking lot. Mr. Bernard asked if there is a possibility of placing a sidewalk between the jogging trails over to the parking lot in order to give pedestrians access until the permanent sidewalk can be installed when the

tennis courts and parking lot are redesigned. Mr. Bales stated that the parking lot on the west side has a sidewalk that could be used for access to the library and community center and connect back down to the trail.

After a lengthy discussion it was determined that there is an existing sidewalk on the west side of the existing parking lot. [Later determined that this was not so.]

Mr. Bales and Mr. Byer stated that it would be possible to put in a sidewalk or path in the greenspace between the existing trail and the park lot. In response, Mr. Byer and Mr. Bales stated that it would be relatively easy to do this.

Mr. Harmon asked what the plans are as far as doing some improvements there and putting concrete sidewalks in. In response, Mr. Bales stated that the two-year request was approved by the BOA last week for the gardens area itself and then north to 51<sup>st</sup> Street. There are funds in the Vision 2025 package to develop the gardens and he would like to install that sidewalk as the project is moved along rather than being forced to put a straight-line sidewalk in and putting people close to Hudson Avenue from 51<sup>st</sup> Street to the library. They would like to tie the sidewalk into the gardens development and asked for a two-year time period to do so. There are definite plans and funds for north of the library in the garden area.

Mr. Harmon stated that the Planning Commission is concerned about the south side of the library and if a trail connection can be achieved that would make sense.

Mr. Ard moved to approve the plat waiver for BOA-20336 per staff recommendation with a waiver for the sidewalk.

Mr. Wofford seconded.

Ms. Cantrell requested that the motion be modified so that there will be tie into the existing trail system and the existing sidewalk.

Mr. Ard stated that the plat waiver would be amended that there is an additional sidewalk between the existing trail and the south end of the existing parking lot.

Mr. Harmon stated that the sidewalk could be a chat trail at this point.

Mr. Ard agreed with the amendment.

Mr. Boulden informed the Planning Commission that there is no way to enforce that amendment, but there could be a public commitment to do this.

Mr. Bernard asked Mr. Bales if he would commit to putting the connection between the existing trail and the parking lot. In response, Mr. Bales answered affirmatively.

**TMAPC Action; 10 members present:**

On **MOTION** of **ARD**, TMAPC voted **9-1-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; Collins "nay"; none "abstaining"; Bayles "absent") to **APPROVE** the plat waiver for BOA-20336 per staff recommendation, with a waiver for the sidewalk with the exception that some connecting pathway be made between the south side of the existing parking lot and the tennis court and the existing trail system as modified by the Planning Commission.

\* \* \* \* \*

**PUD 628-A –** (8419)

(PD-18) (CD-8)

9796 East 93<sup>rd</sup> Street South

**STAFF RECOMMENDATION:**

This PUD major amendment was to facilitate a cell tower. It triggered the platting requirement.

It is the TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities. Staff recommends **APPROVAL** of the plat wavier.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Collins, Jackson, Harmon, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to **APPROVE** the plat waiver for PUD-628-A per staff recommendation.

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**FINAL PLAT:**

**Greenhill Distribution Center 1-** (8211)

(PD-8) (CD-2)

East of US 75, between East 41<sup>st</sup> Street North and East 46<sup>th</sup> Street North

**STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 14.90 acres.

All release letters have been received and staff can recommend **APPROVAL**.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Collins, Jackson, Harmon, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to **APPROVE** the final plat for Greenhill Distribution Center 1 per staff recommendation.

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**PRELIMINARY PLAT:**

**Jamestown Plaza –** (9321)

(PD-6) (CD-7)

Northwest corner of east 33<sup>rd</sup> Street South and Jamestown Avenue

**STAFF RECOMMENDATION:**

This plat consists of six lots, one block, on 1.93 acres.

The following issues were discussed September 7, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-638-1. All PUD conditions must be shown in the covenants and these standards are to be followed in the plat.
2. **Streets:** Scale needs correction to 1inch= 40 feet. Provide documentation of existing right-of-way dedications. Limits of No Access paragraph does not apply and can be deleted. Include standard language for the mutual access easement (mae). Eliminate the driveway encroachment of the intersection radius at 33<sup>rd</sup> Street and relocate the mutual access easement.



When reconstruction occurs, then the sidewalks will need to be built.

3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Add standard language for the maintenance of stormwater detention facilities. If it is anticipated that the stormwater detention will be provided by parking lot detention or underground detention, then use that particular standard language. Add "roof drainage" language which states that the roof drainage on each lot will be conveyed to the stormwater detention facility on that lot.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements may be needed.
7. **Other: Fire:** 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. 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. Provide a fire hydrant at the corner of South Indianapolis Avenue and East 33<sup>rd</sup> Street South. **GIS:** Point of beginning will need to be shown corresponding to the revised covenants. Please include in the legal description a metes and bounds description matching the bearings and distances shown on 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.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Collins, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **APPROVAL** of the preliminary plat for Jamestown Plaza, subject special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

**169 Business Park – (8406)**

(PD-18) (CD-8)

6463 South 101<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 18 lots, one block, three reserves, on 13.10 acres.

The following issues were discussed September 7, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CO. CO standards must be included in the covenants and followed in the plat. Any changes to the approved CO need to be incorporated into the plat. The applicant is at his own risk in proceeding with a plat without final CO standards being approved. There is no longer a trail easement necessary because the plan is to place the trail in the ODOT right-of-way as U.S. Highway 169 is widened in the future. A trail easement will need to be located within the east 50 feet of the plat.
2. **Streets:** Right-of-way shown but not labeled on South 103<sup>rd</sup> East Avenue needs documentation. The east 25-foot width as shown does not extend south to Lot 18, Block 1. (Future dedication from Lot 4, Block 6, Union Gardens will be needed to obtain full 50 foot width.) Retention of easement rights on South 105<sup>th</sup> East Avenue needs to be documented. Recommend name of East 65<sup>th</sup> Street South be East 65<sup>th</sup> Place South. Include note stating sidewalks are to be constructed on both sides of the streets, except on 105<sup>th</sup> East Avenue, where it is only required on the west side. Widths of existing and proposed streets need to be shown. Sidewalks on 105<sup>th</sup> East Avenue are not addressed. Discuss Section II.B.II statement, "Location of the trail easement shall be determined by TMAPC staff". Show Limits of No Access (LNA) along 103<sup>rd</sup> East Avenue. Dimension the width of Reserve B and the north lot of Reserve A. Document the existing right-of-way for 101<sup>st</sup> East Avenue. Document both right-of-way closures/vacations. Include construction standards (width, paving, etc.) for Private Streets in the Corridor Site Plan development standards. Provide standard language for the ownership and maintenance of each Private Street. The legal should match

the face of plat dimensions. Show LNA restrictions along 103<sup>rd</sup> East Avenue and include standard language. Provide for an adequate transition at the north end of 101<sup>st</sup> East Avenue. Emergency access needs to be worked out with Fire Department. (*The consulting engineer agreed to put in a gate and fence.*)

3. **Sewer:** Within the area designated as Reserve B, easement must be retained for the existing sanitary sewer system. Continue a utility easement along the east boundary of Reserve C. Define the reserve areas in the covenants. Lots 5, 6, and 7 appear to have access to the existing sanitary sewer line adjacent to the south property line. You should connect to the existing line instead of extending another main, if you have adequate fall. Sanitary sewer line located within a 15-foot side lot easement must be located in the center of the easement and be constructed with ductile iron pipe.
4. **Water:** Use standard language for the water line in "Reserve B". The waterline on Lot 1, Block 1 is too close to the property line. There must be a minimum of five feet from the property line. The waterline on Lot 1, Block 1 appears to provide better service if the waterline were to run on Block 1, Lot 18.
5. **Storm Drainage:** The face of the plat and the conceptual plan must have contours labeled with their elevations. The term "drainage easement" may only be used when the area will convey public drainage both overland and in storm sewer pipe. The conceptual plat appears to convey the drainage from the 100 year rainfall event by collecting it with an inlet and thence piping it in a storm sewer. If this is the case, then only a utility easement or a storm sewer easement will be required, not a "D/E and U/E" or a "SD/E and U/E". In the "Legend", "SD/E" should be defined as a "Storm sewer easement". If D/E is being used to designate an overland drainage easement, then it should be defined as such in the Legend. Please add the word "stormwater" to the easement label in Reserve "C". If public drainage is being conveyed overland, then add the standard language for "overland drainage easement". Please add the standard language for stormwater detention easement maintenance, and include Reserve "C" in the title. Please add the correct storm sewer language to Section I.C.4.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements may be needed.
7. **Other: Fire:** The emergency access on Lots 13 and 15 shall be changed to read restricted emergency access only. The paving on 103<sup>rd</sup> East Avenue shall be extended to the north side of Lot 15 to provide all weather surface or indicate a restricted emergency access to another lot where the paving can adjoin existing paving. The Fire Chief shall approve the installation of security gates that cross a fire apparatus access road. 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:** Location map needs to be completed. Point of beginning will need to be shown on the plat, corresponding to the revised covenants. Please include in the legal description a metes and bounds description matching the bearings and distances shown on face of plat. Label Reserve "A" as a Private Street. Include "Corridor Site Plan # - "beneath the title of plat. Delete the label of "66<sup>th</sup> Street" along the south right-of-way closure. Delete "General" from Section I.A. subtitle of utility easements. Describe the uses for each Reserve Area in the Covenants. Section II, Corridor Site Plan Restrictions appear incomplete, jumping from subsection B.1 through 11 to F.1 through 10.

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.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Collins, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **APPROVAL** of the preliminary plat for 169 Business Park, subject to special conditions and standard conditions per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

\* \* \* \* \*

**Brookside 33 Office Park**

(PD-6) (CD-9)

West of northwest corner of east 33<sup>rd</sup> Place South and  
Peoria

**STAFF RECOMMENDATION:**

This plat consists of three lots, one block, on .424 acres.

The following issues were discussed September 7, 2006 at the Technical Advisory Committee (TAC) meeting:



1. **Zoning:** The property is zoned PUD-729. PUD standards must be included in the covenants and followed in the plat.
2. **Streets:** No comments.
3. **Sewer:** Increase the six-foot easement along the east boundary line to a ten-foot utility easement. Due to the proposed redevelopment, the existing eight-inch line located along the east boundary of the plat must be TV inspected by the City of Tulsa Underground Collections to determine the condition of the pipe. If the pipe needs to be repaired, it must be done at the expense of the developer. Contact Mark Rogers at 699-6117 to schedule an inspection.
4. **Water:** No comment.
5. **Storm Drainage:** Add a note to the face of plat and to the covenants, which states, that all roof drainage will be conveyed to the paved portion of the mutual access easement and utility easement; and that the drainage from all paved areas will be directed to inlets in East 33<sup>rd</sup> Place South. Add drainage information.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements may be needed.
7. **Other: Fire:** No comment.

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. Midget asked staff if any opportunities were looked at for shared parking for this facility. In response, Mr. Alberty stated that this is private property, and to his knowledge, shared parking issue never came up. They are providing parking for their facility.

**Applicant's Comments:**

**Darin Akerman**, Sisemore, Weisz and Associates, 6111 East 32<sup>nd</sup> Place, Tulsa, Oklahoma 74135, stated that there is one item for clarification that was discussed at the TAC meeting, which is under Item 3, Sewer comments. He indicated that the discussion was to have a ten-foot utility easement for the northerly lot, Lot 3, and then be constricted to a six-foot easement to 33<sup>rd</sup> Place.

Mrs. Fernandez stated that she didn't attend that meeting. This issue can be clarified with the Sewer Department of Public Works. Often they will make concessions of the size of an easement if they work it out. She recommended that if this is approved it be with a condition that the sewer area of Public Works agree to this.

Mr. Alberty stated that this is a utility requirement and if the applicant has already worked this out with Sewer Department, then he doesn't see any problem with the approval, subject to being agreeable to City of Tulsa Sewer Department.

Mrs. Fernandez stated that, as part of the process, this plat will come back several times for a draft final and the applicant will not get his final plat until the easements are obtained, which gives another safeguard.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Collins, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles "absent") to recommend **APPROVAL** of the preliminary plat for Brookside 33 Office Park, subject to the sewer easements being agreeable to City of Tulsa Sewer Department per staff recommendation.

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**Ard out at 2:16 p.m.**

**CONTINUED ZONING PUBLIC HEARING:**

**Application No.: PUD-624-2**

**MINOR AMENDMENT**

**Applicant:** Tulsa Engineering & Planning, Inc. (PD-11) (CD-1)

**Location:** Between Osage Drive and 41<sup>st</sup> West Avenue, north of West Young Street/Apache Street

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-624 to reallocate land uses and area to provide additional single-family residential dwelling units. The net result is a reduction in overall permitted floor area and dwelling units within the PUD.

PUD-624 was approved by the City Council in February, 2002. The PUD contains 658 gross acres located on the north side of West Apache Street, between North 41<sup>st</sup> West Avenue and North Osage Drive. The PUD was approved for mixed uses, including single-family, multifamily and commercial

uses. In a subsequent minor amendment approved by TMAPC in September, 2002, land uses were reallocated and some previously approved uses were eliminated, reducing overall floor area and residential density.

PUD-624-2 proposes to increase land area and dwelling units within Development Area 'A', reduce land area and multifamily dwelling units in Development Area 'E', reduce land area and floor area within Development Area 'C', reduce land area and floor area within Development Area 'K', and maintain current allocations in Development Area 'B', Development Area 'H' and Development Area 'F' per the attached "Statistical Analysis".

Staff finds the request to be minor in nature. The allocation of land to particular uses and the relationship to uses within the project are not substantially altered and the limitation or elimination of previously-approved uses does not substantially alter the character of the development. Therefore, staff recommends **APPROVAL** of the requested minor amendment PUD-624-2 subject to the following conditions:

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

**Development Area A**  
**Single-Family Residential**

**Permitted Uses:** Single-Family Residential

**Gross Area (Acres):**

Tract A-1:	32.53
Tract A-2:	86.53
Tract A-3/R:	85.55
Tract A-4:	177.62
Tract A-5:	6.16
Tract A-6:	<u>74.53</u>

Total Development Area A: 462.92

**Total Dwelling Units Permitted:** 2,778

**Bulk and Area Requirements for Tract A-1 through A-5:**

As established per PUD 624 and as amended per PUD 624-1.

**Bulk and Area Requirements for Tract A-6:**

Maximum Dwelling Units:	440
Minimum Lot Width:	50 feet
Minimum Lot Size:	5,500 sq. ft.
Minimum Livability Space Per Lot*:	2,500 sq. ft.
Maximum Structure Height:	35 feet

**Setbacks:**

From r-o-w of 33 <sup>rd</sup> West Avenue:	35 feet
From r-o-w of West Young/Apache St.:	35 feet
From r-o-w of internal streets:	20 feet
Rear Yard:	20 feet
Side Yard:	5 feet

**Development Area E**  
**Multi-Family Residential**

**Permitted Uses:** Multi-Family Residential

**Gross Area (Acres):**

Tract E-1:	14.75
Tract E-2:	<u>0.00</u>

Total Development Area E: 14.75

**Total Dwelling Units Permitted:** 493

**Bulk and Area Requirements:**

As established per PUD 624 and as amended per PUD 624-1.

**Development Area B**  
**Senior Care**

No changes proposed or recommended.

**Development Area C**  
**Commercial**

**Permitted Uses:**

As permitted by right within a CS district, excluding Use Unit 12a.

**Gross Area (Acres):**

Tract C-1:	33.76
Tract C-2:	<u>2.97</u>

Total Development Area C:	36.73
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**Maximum Permitted Floor Area:** 479,988 S.F.

**Bulk and Area Requirements:**

As established per PUD 624 and as amended per PUD 624-1.

**Development Area K**  
**Tulsa Public School Campus**

**Permitted Uses:**

Public or private school offering a compulsory education curriculum from K-9 grades (Use Unit 5). Alternatively, Tract K-1 may be developed as single-family dwellings subject to the development standards set forth for tracts A-1 through A-5.

<b>Gross Area (Acres):</b>	14.66
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<b>Maximum Permitted Floor Area:</b>	63,859 S.F.
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**Bulk and Area Requirements:**

As established per PUD 624 and as amended per PUD 624-1.

**Development Area H**  
**Community Center**

No changes proposed or recommended.

**Development Area F**  
**Open Space**

No changes proposed or recommended.

3. Sidewalks shall be provided along both sides of arterial streets, collectors and residential streets in accord with Subdivision Regulations.
4. Development Standards of PUD 624 and PUD 624-1 not modified herein shall remain in full force and effect.

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** (Bernard, Cantees, Cantrell, Carnes, Collins, Jackson, Harmon, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Bayles "absent") to **APPROVE** the minor amendment for PUD-624-2 per staff recommendation.

\* \* \* \* \*

## **ZONING PUBLIC HEARING**

**Application No.: CZ-383**

**RS TO AG**

**Applicant:** Kevin C. Coutant

County

**Location:** 5631 North Lewis Avenue

### **STAFF RECOMMENDATION:**

**CZ-354 June 2005:** All concurred in approval of a request to rezone a 1± acre tract from RMH to CS on property located west of northwest corner of East 61<sup>st</sup> Street North and North Gillette Avenue.

**Z-6909 October 2003:** All concurred in approval of a request to rezone a 4.62± acre tract from RS-3 to AG on property located east of southeast corner of East 56<sup>th</sup> Street North and North Lewis Avenue.

**CBOA-1927 February 2, 2002:** The Board of Adjustment approved a Special Exception for the installation of two AM radio towers, per presentation on property located east of the northeast corner of North Lewis Avenue and East 56<sup>th</sup> Street North and abutting the subject property to the east.

**CZ-187 July 1991:** A request to rezone 9.5-acre tract located on the southwest corner of East 61<sup>st</sup> Street North and North Utica Avenue from AG to IH to store dismantled automobiles was filed. TMAPC recommended denial of IH and recommended IL in the alternative. The Board of County Commissioners concurred in approving the IL zoning.



### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 7.5 acres in size and is located north of the northeast corner of East 56<sup>th</sup> Street North and North Lewis Avenue. The property appears to be vacant and is zoned RS in Tulsa County.

### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
North Lewis Avenue	Secondary arterial	100'	4

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

**SURROUNDING AREA:** The subject tract is abutted on the north, south, east and west by large-lot single-family residential and agricultural uses and vacant land, zoned AG. To the southwest is a CH-zoned node at the intersection of 56<sup>th</sup> Street North and North Lewis Avenue. At the eastern edge of the property, possibly on the property immediately west of the subject site, are several large towers, which appear to be for telecommunications.

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 24 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity – Residential land use. According to the Zoning Matrix, the requested AG is in accord with the District Plan.

### **STAFF RECOMMENDATION:**

Based on surrounding uses and the Comprehensive Plan, staff can support the requested rezoning and recommends **APPROVAL** of AG zoning for CZ-383.

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

**Jon Brightmire**, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, stated that he is in agreement with the staff recommendation. Mr. Brightmire submitted a petition of support (Exhibit B-2) and submitted photographs (Exhibit B-1).

### **TMAPC COMMENTS:**

Mr. Harmon asked why the applicant wants to go back to AG zoning. In response, Mr. Brightmire stated that the applicant has horses and he is building a barn. The subject property has been in the family for the past 80 years and to his knowledge it had always been AG, but apparently in 1980 there was a change from AG to RS without his knowledge.

Mr. Harmon cautioned Mr. Brightmire that if this is rezoned to AG there could be pigs and chickens as well. Mr. Brightmire stated that the neighbors were surprised that they were not zoned AG as well.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Bernard, Cantees, Cantrell, Carnes, Collins, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Bayles "absent") to recommend **APPROVAL** of the AG zoning for CZ-383 per staff recommendation.

**Legal Description for CZ-383:**

A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section 5; Township 20 North, Range 13 East of the Indian Meridian, Tulsa County, Oklahoma; more particularly described as follows, to-wit: Commencing at the Northwest corner of the SW/4 of the SW/4 of Section 5, Township 20 North, Range 13 East. Thence due South, on an assumed bearing, along the West line of the SW/4 of the SW/4 a distance of 230 feet. Thence N 89°45'01"E parallel to the North line of the SW/4 of the SW/4 a distance of 35 feet to the point of beginning. Thence continuing N 89°45'01"E a distance of 361.0 feet. Thence due South 100 feet. Thence N 89°45'01"E a distance of 267.77 feet. Thence S 00°00'29"E and parallel with the East line of the SW/4 of the SW/4 a distance of 329.275 feet to a point on the North line of the South Half of the SW/4 of the SW/4. Thence S 89°44'24"W a distance of 333.82 feet to a point that is 330 feet East of the West line of the SW/4 of said Section 5. Thence due South a distance of 116.12 feet, thence S 89°43'15"W a distance of 295.0 feet. Thence due North a distance of 545.61 feet to the point of beginning. AND Beginning 35 feet East and 393.375 feet North of the Southwest corner of the SW/4 of the SW/4 of Section 5, Township 20 North, Range 13 East of the Indian Meridian, Tulsa County, Oklahoma. Thence North 150 feet. Thence East 295.0 feet. Thence South 150 feet. Thence West 295.0 feet to the point of beginning, **From RS (Residential Single Family District) To AG (Agriculture District).**

\* \* \* \* \*

**Application No.: Z-7039**

**CS/OM/PUD TO CG/PUD**

**Applicant:** Roy D. Johnsen

(PD-5) (CD-5)

**Location:** Northeast corner of East 27<sup>th</sup> Street South and Skelly Drive

**STAFF RECOMMENDATION:**

**Z-6993 August 2005:** All concurred in approval of rezoning a tract southwest of the subject property and fronting South Memorial Drive and Skelly Drive from CS to CG.

**PUD-533-A June 2005:** All concurred in approval of a PUD Major Amendment request to allow agricultural implement sales on 7.9 acres, including the subject property, from west of South 85<sup>th</sup> East Avenue to Skelly Drive.

**PUD-550-A September 2004:** A major amendment was approved to PUD-550 to include a hotel/motel use within the PUD on a 1.7-acre tract in the PUD's southwest corner.

**PUD-564 and PUD-564-A May 2003:** PUD-564 was approved by the City Council in August, 1997, permitting the expansion of an existing automobile and light truck sales on the property located south of Skelly Drive and east of Memorial Drive. PUD-564-A was approved in May, 2003 to include an eight-acre tract that was originally the Carpenters' Union and to permit office use for the auto/truck dealership.

**PUD-550 December 1996:** Approval was granted, subject to conditions, for a proposed commercial/industrial mixed use development on a sixty-acre parcel on the south side of East 21<sup>st</sup> Street and west of South 91<sup>st</sup> East Avenue. Limited CS uses were proposed for the north eight acres fronting East 21<sup>st</sup> Street (a subsequent major amendment, PUD-550-A, allowed hotel uses) and the U.S. Post Office distribution center and light industrial uses (IL) were proposed for the remainder of the tract.

**PUD-533 June 1995:** All concurred in approval of a request for rezoning a tract of land with frontage on East 27<sup>th</sup> Street South, South 85<sup>th</sup> East Avenue and East 26<sup>th</sup> Street South from CS/OM to CS/OM/PUD to allow mixed uses, including Use Units 1, 4, 10, 11, 12, 13, 14, 16, 19, 21 and Printing, Publishing and Reproduction Services and existing multifamily dwellings.

**PUD-212/Z-5158 August 1978:** Approval was given to rezone and abandon the PUD-90 standards on a 10.5-acre tract located on the southeast corner of East 25<sup>th</sup> Place and South Memorial Drive from RM-1 and RS-3/PUD to RM-2/PUD-212, to convert the existing recreational facility and day nursery into apartments.

**PUD-90 June 1970:** Approval was granted to transfer the twenty-five acre tract located on the north and south sides of East 25<sup>th</sup> Place South and on the east side of South Memorial Drive from CDP-16 to a PUD for a mixed use development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately  $\pm$  acres in size and is located north of the northwest corner of East 27<sup>th</sup> Street and Skelly Drive. The property is vacant and zoned CS/PUD.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Skelly Drive (I-44)	Freeway	Varies	Two (one each way in front of property, changing to one-way at approximately East 27 <sup>th</sup> Street )
East 27 <sup>th</sup> Street	N/A	N/A	Two

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

**SURROUNDING AREA:** The subject tract is abutted on the north by vacant land, zoned CS/PUD-533-A and farther north by multifamily and duplex uses, zoned RM-2; on the west by a townhouse development (some of the units of which may be in use as office/commercial enterprises), zoned CS; on the south by Skelly Drive, zoned RS-2 and on the east by vacant land, zoned CS/PUD-533-A. To the southwest is a parcel that was rezoned last year from CS to CG. To the northeast and fronting on Skelly Drive is a large parcel zoned IL and PUD-550, developed in part as a postal distribution center.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CG/PUD **is not** in accord with the Plan. However, as noted in the staff report for PUD-533-A, that area was approved and platted for a residential development that was never completely built and which has subsequently developed in commercial and office uses. The plan should be amended to reflect the actual uses and should not be used as a basis for a recommendation in this case.

**STAFF RECOMMENDATION:**

Based on recent rezoning activities in the area, staff can recommend **APPROVAL** of Z-7039, conditioned upon the TMAPC's approval of major amendment PUD-533-B or some variation thereof.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that he is representing the purchaser of the subject property and some additional property that is with the next agenda item, which is the PUD. He indicated that he is in support of the staff recommendation for CG/PUD zoning.

**INTERESTED PARTIES:**

**Greg Williams**, 4530 South Sheridan, Suite 201, Tulsa, Oklahoma 74145, stated that he represents 300 Holdings, which is the owner of the apartment complex adjacent to the subject property. He indicated that he doesn't object to the rezoning, but he would like the cul-de-sac to be maintained for future development.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Bernard, Cantees, Cantrell, Carnes, Collins, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Bayles "absent") to recommend **APPROVAL** of the CG/PUD zoning for Z-7039, subject to TMAPC's approval of the major amendment for PUD-533-B per staff recommendation.

**Legal Description for Z-7039:**

A TRACT OF LAND THAT IS PART OF LOT 6 IN BLOCK 1 OF "TRI-CENTER VILLAGE", A RE-SUBDIVISION OF LOT 3 AND PART OF LOT 2, BLOCK 1 "TRI-CENTER", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID LOT 6; THENCE N 48°34'30" E ALONG THE SOUTHEASTERLY LINE OF LOT 6 AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 44 FOR 105.16' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND, SAID POINT BEING ON THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF LOTS 4 AND 5 IN SAID BLOCK 1 OF "TRI-CENTER VILLAGE"; THENCE N 00°37'30" W ALONG SAID EXTENSION AND SAID EASTERLY LINE FOR 210.94'; THENCE N 89°34'25" E AND PARALLEL WITH THE NORTHERLY LINE OF LOT 6 FOR 150.00'; THENCE S 00°37'30" E AND PARALLEL WITH THE EASTERLY LINE OF SAID LOTS 4 AND 5 FOR 85.75' TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 44; THENCE S 52°14'18" W ALONG SAID RIGHT-OF-WAY LINE FOR 56.94'; THENCE S 48°34'30" W ALONG SAID RIGHT-OF-WAY LINE AND THE SOUTHEASTERLY LINE OF LOT 6 FOR 138.18' TO THE "POB" OF SAID TRACT OF LAND, the City of Tulsa, Tulsa County, State of

Oklahoma, From CS (Commercial Shopping Center District) To CG (Commercial General District).

**RELATED ITEM:**

**Application No.: PUD-533-B**

**MAJOR AMENDMENT**

**Applicant:** Roy D. Johnsen

(PD-5) (CD-5)

**Location:** Northeast corner of East 27<sup>th</sup> Street South and Skelly Drive

**STAFF RECOMMENDATION:**

**Z-6993 August 2005:** All concurred in approval of rezoning a tract southwest of the subject property and fronting South Memorial Drive and Skelly Drive from CS to CG.

**PUD-533-A June 2005:** All concurred in approval of a PUD Major Amendment request to allow agricultural implement sales on 7.9 acres, including the subject property, from west of South 85<sup>th</sup> East Avenue to Skelly Drive and a part of the subject property.

**PUD-550-A September 2004:** A major amendment was approved to PUD-550 to include a hotel/motel use within the PUD on a 1.7-acre tract in the PUD's southwest corner.

**PUD-564 and PUD-564-A May 2003:** PUD-564 was approved by the City Council in August, 1997, permitting the expansion of an existing automobile and light truck sales on the property located south of Skelly Drive and east of Memorial Drive. PUD-564-A was approved in May, 2003 to include an eight-acre tract that was originally the Carpenters' Union and to permit office use for the auto/truck dealership.

**PUD-550 December 1996:** Approval was granted, subject to conditions, for a proposed commercial/industrial mixed use development on a sixty-acre parcel on the south side of East 21<sup>st</sup> Street and west of South 91<sup>st</sup> East Avenue. Limited CS uses were proposed for the north eight acres fronting East 21<sup>st</sup> Street (a subsequent major amendment, PUD-550-A, allowed hotel uses) and the U.S. Post Office distribution center and light industrial uses (IL) were proposed for the remainder of the tract.

**PUD-533 June 1995:** All concurred in approval of a request for rezoning a tract of land with frontage on East 27<sup>th</sup> Street South, South 85<sup>th</sup> East Avenue and East 26<sup>th</sup> Street South, and part of subject property, from CS/OM to CS/OM/PUD to allow mixed uses, including Use Units 1, 4, 10, 11, 12, 13, 14, 16, 19, 21 and

Printing, Publishing and Reproduction Services and existing multifamily dwellings.

**PUD-212/Z-5158 August 1978:** Approval was given to rezone and abandon the PUD-90 standards on a 10.5-acre tract located on the southeast corner of East 25<sup>th</sup> Place and South Memorial Drive from RM-1 and RS-3/PUD to RM-2/PUD-212, to convert the existing recreational facility and day nursery into apartments.

**PUD-90 June 1970:** Approval was granted to transfer the twenty-five acre tract located on the north and south sides of East 25<sup>th</sup> Place South and on the east side of South Memorial Drive from CDP-16 to a PUD for a mixed use development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately  $\pm$  acres in size and is located on the northwest corner of East 27<sup>th</sup> Street and Skelly Drive. The property appears to be vacant and is zoned CS/OM/PUD-533-A.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Skelly Drive (I-44)	Freeway	Varies	Two (one each way in front of property, changing to one-way at approximately East 27 <sup>th</sup> Street )
East 27 <sup>th</sup> Street	n/a	n/a	2

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

**SURROUNDING AREA:** The subject tract is abutted on the north by vacant land, zoned CS/PUD-533-A and farther north by multifamily and duplex uses, zoned RM-2; on the west by a townhouse development (some of the units of which may be in use as office/commercial enterprises), zoned CS; on the south by Skelly Drive, zoned RS-2 and on the east by vacant land, zoned CS/PUD-533-A. To the southwest is a parcel that was rezoned last year from CS to CG. To the northeast and fronting on Skelly Drive is a large parcel zoned IL and PUD-550, developed in part as a postal distribution center.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Medium Intensity-Residential land use.

**STAFF RECOMMENDATION:**

The property which is the subject of PUD 533-B consists of 7.99 acres of land situated on the north side of Interstate 44 approximately 1700 feet northeastwardly from the northeast corner of South Memorial Drive and Interstate 44. The property has approximately 1050 feet of frontage on the Interstate 44 service road. The southwest corner of the property adjoins 27<sup>th</sup> Street South which extends westward to South Memorial Drive. The nearby Interstate 44 frontage properties both northeastwardly and southwestwardly from the property are developed and/or zoned for either commercial or light industrial uses. The west interior boundary of the property is adjoined by commercial development and other interior boundaries of the property are adjoined by multifamily developments.

In 1972, 5.4 acres were zoned CS, Commercial Shopping and 2.5 acres were zoned OM, Office Medium intensity per Z-4293. In 1995, PUD 533 approved retail commercial, office use and a proposed printing and publishing establishment on the property. In June 2005, PUD 533-A was approved to permit the development of "John Deere Place" which was intended as a dealership of traditional agricultural implements coupled landscaping goods and services. PUD 533-A was submitted to establish an alternative to the uses and development standards permitted by the approved PUD 533 and provided that in the event that the property did not develop as an agricultural implement sales and service establishment, the permitted uses and development standards of PUD 533 would remain applicable.

The proposed amendment, PUD 533-B, is to develop approximately 1.55 acres (designated as Development Area 'B-1') as a retail establishment selling rustic furniture and related accessories with onsite manufacture of the furniture. The remaining 6.44 acres (designated as Development Area 'B-2') will remain subject to the development standards of PUD 533. In the event Development Area 'B-1' does not develop as a rustic furniture establishment, the permitted uses and development standards of PUD 533 will remain applicable. Development Area 'A-2' is not included within PUD 533-B.

Retail furniture sales are included in Use Unit 14 Shopping Goods and Services, which are permitted by right in the CS, Commercial Shopping District. The manufacture of furniture and fixtures is included within Use Unit 25, Light Manufacturing and Industry. Use Unit 25 may be permitted by special exception (or within a planned unit development) within a CG, General Commercial District. A related rezoning request, Z-7039, is being sought to rezone 22,000 square feet of the existing CS District to CG, Commercial General, in order to permit 16,000 square feet of floor area which would permit the initial 12,000 square feet of the furniture manufacture and sales business and future expansions.

The property is located adjacent to Skelly Drive and proximate to commercial, industrial and related uses. Underlying zoning of the older multifamily residential



surrounded by PUD 533, PUD 533-A and the proposed PUD 533-B is CS, Commercial Shopping, and is in poor repair. Older, but established residential multifamily to the north and northwest of the property should be adequately separated from the proposed furniture sales and manufacture by Development Area 'B-2' for which no modifications to standards are proposed. Outside storage of materials (logs) is to be within a screened area and stored in orderly fashion on racks not exceeding the height of the screening fence. All furniture making is to be conducted within enclosed buildings.

Staff finds the requested uses, retail furniture sales and onsite furniture manufacturing, to be acceptable subject to TMAPC approval of the related zoning request, Z-7039, and subject to the use conditions as proposed and modified by staff, and recommends **APPROVAL** of PUD 533-B conditioned upon the following:

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

**DEVELOPMENT AREA B-1:**

NET LAND AREA: 1.55 acres

**PERMITTED USES:**

Sales of rustic furniture, onsite manufacturing of furniture and ornamental metal furnishings and uses customarily accessory thereto, and uses permitted by right within a CS District, excluding Use Unit 12A.

**MAXIMUM PERMITTED FLOOR AREA:**

Retail, showroom and offices: 4,000 S.F.

Manufacture of furniture, ornamental metal furnishings  
Shipping and receiving:

8,000 S.F.

**MINIMUM BUILDING SETBACKS:**

From Interstate 44 right-of-way: 50 ft.  
From East 27<sup>th</sup> Street right-of-way: 20 ft.  
From South 85<sup>th</sup> East Avenue right-of-way: 20 ft.  
From adjoining residential properties: 20 ft.  
From other boundaries: 5 ft.

**MAXIMUM BUILDING HEIGHT:**

20 ft (excluding architectural features)

**OFF-STREET PARKING:**

As required by the applicable Use Unit

**MINIMUM LANDSCAPED AREA:**

10% of net lot area

**LANDSCAPING AND SCREENING:**

Landscaping within Development Area 'B-1' shall meet the requirements of the landscape chapter of the Tulsa Zoning Code. The street yard (as defined by the landscape chapter of the Zoning Code) shall be established as an area 50 feet in width extending along the Skelly Drive right-of-way. A landscaped area of not less than 10 feet in width and a minimum six-foot tall screening fence shall be located along the perimeter boundaries of Development Area 'A-2' of PUD 533.

**OPERATIONAL LIMITATIONS:**

All manufacture of furniture and ornamental furnishings shall be conducted within enclosed buildings; provided however, log storage may be open air if enclosed by a minimum eight foot tall screening fence and stored in orderly fashion on racks not exceeding the height of the screening fence.

**OUTDOOR DISPLAY OF MERCHANDISE:**

Outdoor display area shall not exceed an aggregated occupied area of 200 square feet, shall not extend closer to the street right-of-way than the building setbacks, and shall be considered floor area for the purposes of determining off-street parking and loading requirements.

**LIGHTING:**

Light standards shall be limited to a maximum height of 25 feet. All lights, including building mounted, shall be hooded and directed downward and away from residential district boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

**ACCESS:**

Access shall be limited to the Interstate 44 service road (Skelly Drive).

**SIDEWALKS AND PEDESTRIAN CIRCULATION:**

Sidewalks shall be provided along the entirety of the frontages of Skelly Drive, East 27<sup>th</sup> Street South and South 85<sup>th</sup> East Avenue. Pedestrian access from the sidewalk along Skelly Drive to the building entrance shall be provided. Where the pedestrian access crosses parking aisles, striping or other means of indicating pedestrian crossing, is recommended.

**SIGNS:**

Signs shall be limited to:

- (a) An architectural feature incorporated into the building front shall be permitted and included as part of the permitted display surface area of wall signage which shall not exceed two square feet of display surface area per lineal foot of the building wall or canopy to which affixed, provided however, the aggregate length of wall signs shall not exceed 75% of the wall or canopy to which affixed.
- (b) One outdoor advertising sign as presently located along the Interstate 44 service road right-of-way, which may be relocated to another location along interstate 44, subject to review and approval of a detailed sign plan.

**DEVELOPMENT AREA B-2 (RETAIL):**

Development Area B-2 shall remain subject to the development standards as initially established by PUD 533.

- 3. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level at the west and north boundary of the planned unit development.
- 4. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
- 5. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to occupancy or at the soonest appropriate planting time. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
- 6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required Stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

**TAC Comments from September 7, 2006:**

**General:** No comments.

**Water:** No comments.

**Fire:** No comments.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** Recommend 30 ft radius right-of-way dedication at intersection of service road, and 25 ft radius at intersection of 27<sup>th</sup> St. S. and 85<sup>th</sup> E. Ave. Include sidewalks on the minor streets.

**Traffic:** Provide for LNA restrictions on 85<sup>th</sup> East Avenue including the future Cul-de-sac. Verify the dedication of the Cul-de-sac.

**GIS:** No comments.

**County Engineer:** No comments.

**MSHP:** Entry into the PUD is along the I-44 Frontage Road (Skelly Drive). Highway Frontage Roads are considered arterials. Sidewalks required on Skelly Drive, 27<sup>th</sup> and 85<sup>th</sup> per subdivision regulations.

**LRTP:** Sidewalk construction is encouraged, if non-existing or maintained if existing. *\*Need to see evidence of pedestrian circulation plan.*

**TMP:** No comments.

**Transit:** Currently, Tulsa Transit operates transit routes on 21<sup>st</sup> Street and 31<sup>st</sup> Street, between Memorial and Garnett, and on Memorial between 21<sup>st</sup> Street and 31<sup>st</sup> Street. According to Tulsa Transit future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup>, Suite 501, Tulsa, Oklahoma 74103, stated that the CG is necessary for the furniture making or manufacturing requested. This business is known as Grizzly Mountain Mercantile and they make rustic furniture on the premises. His clients will also have a retail store in conjunction with the manufacturing. This company would like to grow and expand, which the subject property provides the objective.

Mr. Johnsen stated that he has had several meetings with staff and they have reached a concurrence on the development standards. Mr. Johnsen explained the need to store the logs outside, which are used to manufacture the furniture.

Mr. Johnsen indicated that this proposal is for manufacturing and selling rustic furniture. His client also does ornamental work for the furniture onsite. This proposal will bring approximately ten to 12 jobs, plus sales tax from the retail portion of the business. The proposal is a productive use for the subject property.

Mr. Johnsen stated that the original submittal that is in the agenda packet, the conceptual site plan, indicates the development area extending westward across the cul-de-sac and that is a mistake. He has submitted a revised plan to staff and it excludes all the area to the west. The proposal is east of the cul-de-sac and the cul-de-sac is dedicated, but not constructed at this time.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Bernard, Cantees, Cantrell, Carnes, Collins, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Bayles "absent") to recommend **APPROVAL** of the major amendment for PUD-533-B per staff recommendation and per the revised conceptual site plan submitted by applicant indicating the proposal east of the cul-de-sac. (Language with a strike-through has been deleted and language with an underline has been added.)

**Legal Description for PUD-533-B:**

Lot 6, Tri-Center Village, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, less and except a tract of land situated in Lot 6, being more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot 3, said Tri-Center Village, said point being the West right-of-way line of South 85th East Avenue, thence N 00°37'30" W and parallel to the West line of said Lot 6 for 20.40'; thence N 60°37'30" W for 0.0'; thence along a curve to the right with a radius of 50.00' for 261.80'; thence S 00°37'30" E for 12.57' to the northwest corner of Lot 4, said Tri-Center Village; thence S 00°37'30" E and along the West line of said Lot 4 for 8.00'; thence S 89°34'25" W for 50.00' to the Point of Beginning, and less and except Beginning

at a point on the Easterly line of said Lot 6 a distance of 243.34' Northeasterly of the Southeast corner of said Lot 6; thence Southeasterly along a jog in said Easterly line a distance of 25.00'; thence Northeasterly along said Easterly line a distance of 388.25'; thence S 51°19'53" W a distance of 389.05' to the Point of Beginning, **FROM: CS/OM/PUD (Commercial Shopping Center District/Office Medium Intensity District/Planned Unit Development [PUD-533]) TO: CG/CS/OM/PUD (Commercial General District/Commercial Shopping Center District/Office Medium Intensity District/Planned Unit Development [PUD-533-B])**.

\* \* \* \* \*

**Application No.: Z-7040**

**RS-3 to IL**

**Applicant:** Velocity Development Group, Inc. (PD-18) (CD-7)

**Location:** South of southwest corner East 58<sup>th</sup> Street and South Mingo Road

**STAFF RECOMMENDATION:**

**Z-6995 September 2005:** All concurred in approval of a request to rezone a 3.48+ acre tract from RS-3 to IL for a retail center on property located on southeast corner of East 59<sup>th</sup> Street South and South Mingo Road.

**Z-6994 June 2005:** A request to rezone one lot west of the northwest corner of East 61<sup>st</sup> Street South and South Mingo from OL to CS for computer service and sales was denied by the TMAPC recommending that the applicant consider developing a PUD proposal on the site.

**PUD-390-B April 2003:** All concurred in the approval of a major amendment to PUD to allow Barber and Beauty Shop uses in Development Area B of previously approved PUD-390-A per staff recommendation and as modified by TMAPC.

**PUD-390-A January 2002:** Staff recommended denial on a request for a major amendment to PUD-390 to create two development areas in the PUD and allow a bank with drive-in facilities in Area A and office uses within Area B on property located on northeast corner of East 61<sup>st</sup> Street and South 89<sup>th</sup> Eat Avenue. The TMAPC approved it per modifications as recommended by staff pertaining to screening, landscape and traffic.

**Z-6840/PUD-656 November 2001:** A request to rezone a 2.37+ acre tract from CO to IL/PUD on property located south of southeast corner of East 61<sup>st</sup> Street South and South Mingo Road for uses permitted by right and exception in an IL district excluding Use Unit 12A. Staff recommended denial of IL zoning and for

the PUD but the TMAPC recommended approval per modifications. The City Council approved the rezoning and PUD per modifications.

**PUD-599-C September 2001:** All concurred in approval of a Major Amendment to a PUD to permit automobile body repair center and coffee shop on Lot 1 of PUD-599-A on a 1.52± acre tract located east of subject property, subject to modifications and conditions as recommended by the TMAPC.

**Z-6783 October 2000:** A request to rezone two lots located on the southeast corner of East 59<sup>th</sup> Street and South 99<sup>th</sup> East Avenue from RS-3 to IL or PK for parking was filed. IL zoning was denied and all concurred in approving PK zoning for the two lots.

**PUD-397-B August 2000:** A major amendment was requested for PUD-397 on property located on the southeast corner of East 61<sup>st</sup> Street and South 90<sup>th</sup> East Avenue. The amendment reallocated the Development Areas and permitted uses, allowing an existing banking facility on a portion of Development Area B further expanding that development area for additional office use. Development D-1 was approved for multifamily use with office use as an alternative. All concurred in approval of the major amendment subject to the conditions as recommended.

**Z-6725 December 1999:** All concurred in approval of a request to rezone a 34.78± acre tract from CO to AG for church and accessory uses on property located on the southeast corner of East 66<sup>th</sup> Street and South Mingo Road.

**Z-6718 October 1999:** A request to rezone a 1.18-acre tract located on the northeast corner of East 66<sup>th</sup> Street S. and S. 101<sup>st</sup> East Avenue, apart of the subject tract, from RS-3 to CO was approved by TMAPC and the City Council.

**PUD-599-A August 1999:** All concurred in approval of a major amendment located north of the subject property to allow a three-story, 49,600 square foot office building and a 61-room, three-story hotel.

**Z-6672 February 1999:** Approval was granted on a request to rezone a lot located north of the northwest corner of East 61<sup>st</sup> Street and South Mingo Road from OM to IL.

**Z-6652 and Z-6653 September 1998:** A request to rezone two lots, located north of the northwest corner of East 61<sup>st</sup> Street and South Mingo Road from RS-3 to IL. Both applications were approved.

**Z-6646 August 1998:** All concurred in approval to rezone a lot located south of the southwest corner of East 58<sup>th</sup> Street and South Mingo Road from RS-3 to IL.

**Z-6445 July 1994:** All concurred in approval a request to rezone a strip of property, 5' x 78', lying along the south boundary of an industrial tract located northeast of northeast corner of South Mingo Road and 61<sup>st</sup> Street South directly north of East 59<sup>th</sup> Street South, from RS-3 to IL to allow access to the industrial (IL) property. The strip was originally left RS-zoned to restrict access to the industrial property by use of a residential street. The Comprehensive Plan anticipates industrial growth in this area and the barricade from the residential street was eliminated.

**Z-6410 September 1993:** All concurred in approval of a request to rezone a tract located on the northeast corner of East 61<sup>st</sup> Street South and South 99<sup>th</sup> East Avenue from OL to IL.

### **AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 1.62± acres in size and is located south of the southwest corner of East 58<sup>th</sup> Street and South Mingo Road. The property is flat, non-wooded and zoned RS-3.

### **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Mingo Road	Secondary arterial	100'	4

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

**SURROUNDING AREA:** The subject tract is abutted on the east across Mingo by a mix of office, commercial and industrial uses, zoned IL; on the north by a large drainage way and open space, zoned RS-3; on the south by a mix of office, industrial, single-family residential and commercial uses, zoned IL and on the west by the same large drainage way and single-family residential uses, zoned RS-3.

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Special District One – Industrial Area. Plan policies (Section 3.1) encourage future industrial uses to locate here and the provision of adequate utilities to serve those uses. The requested rezoning **may be found** in accord with the Comprehensive Plan by virtue of its location within a Special District. The requested underlying uses (restaurant, retail and office) are all allowed by right under IL zoning.

### **STAFF RECOMMENDATION:**

This area has been in transition to industrial and related uses for some time, and the District Plan encourages that transition. Although the subject property backs to a single-family residential area, the drainage way that separates the two uses



is significant. Therefore, based on the Comprehensive Plan, trends in the area and existing nearby zoning, staff recommends **APPROVAL** of IL zoning for Z-7040.

**TMAPC COMMENTS:**

Mr. Harmon stated that this proposal is within 320 feet of his home because he checked it. This is to the east side of the Mingo drainage area, which separates it from the neighborhood where he lives and he believes that IL is appropriate.

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

**INTERESTED PARTIES:**

**Tracy Morton**, 5837 South 94<sup>th</sup> East Place, 74145, stated that her home is behind the proposal. She expressed concerns that the fences would be removed and leaving access for the public to get into the neighborhood or back into her homes.

Mr. Harmon stated that there are no fences on the subject property now.

Ms. Matthews stated that there will not be any access into the neighborhood.

In response to Ms. Morton, Mr. Harmon reiterated that there are no fences on the east of Mingo Creek and the Mingo Creek improvement has been done. This proposal will be on the east side of Mingo Creek.

Ms. Morton stated that this would back up to her backyard. In response, Mr. Harmon stated that there is a 50-foot drainage ditch between the homes and the proposal.

Staff cited the screening requirements for the proposal and the setbacks.

Mr. Jackson explained the screening and the distance from the neighborhood and stated that with the screening fence the neighbors will not see the proposal and the proposal will not be able to see them.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Bernard, Cantees, Cantrell, Carnes, Collins, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Bayles "absent") to recommend **APPROVAL** of the IL zoning for Z-7040 per staff recommendation.

**Legal Description for Z-7040:**

Beginning at the southeast corner of Lot 2, Block 2, Andersen Addition, thence west 200 feet along the south boundary of said Lot 2 to a point, thence north 350 feet to a point, thence east 200 feet to a point on the east boundary of said Lot 2, Block 2, thence south 350 feet to the point of beginning, the City of Tulsa, Tulsa

County, State of Oklahoma, **From: RS-3 (Residential Single Family High Density District) To: IL (Industrial Light District).**

\* \* \* \* \*

**Mr. Collins out at 2:43 p.m.**

**Application No.: PUD-624-3**

**MINOR AMENDMENT**

**Applicant:** E. Robert Buss

(PD-11) (CD-1)

**Location:** 3114 North 24<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-624-3 to reduce the rear setback from 35 feet to 30 feet for an existing residential structure. The structure meets all other building setbacks.

The rearyard of Lot 9, Block 3 backs up to unimproved right-of-way for North Gilcrease Museum Road/North 25<sup>th</sup> West Avenue. The westernmost three feet of the rear yard is a fence and landscape easement adjacent to which is a 17.5 utility easement. The structure does not encroach into these easements, but possibly encroaches into a utility easement along the south boundary (in the side yard) of the lot. Although a minor amendment is not requested or needed because the side yard setback is met, staff notes that this issue should be resolved by the applicant.

Because the requested amendment is the first in a new developing residential subdivision, staff is reluctant to recommend approval and thus set a precedent for future deviations. Therefore, Staff recommends **DENIAL** of PUD-624-3 as proposed.

**TMAPC COMMENTS:**

Mr. Jackson stated that the setbacks used to be 25 feet on secondary arterials and then five or six years ago they changed to 35 feet in order to increase the space from the improved road from the property. Whoever built this shouldn't have built it where it is, but this is to clear up the title. He believes each of these should be looked at on a case-by-case situation and it looks like this is a 3.5-foot encroachment, which leaves 31 feet to the closest point. If the average was considered the subject property would meet the 35 feet. There are no health and safety issues involved by having the house 3.5 feet over the building line setback. If one looked at the subdivisions south of the subject property, they are all 25 feet along Apache.

Mr. Bernard asked if the house is already built. In response, Mr. Jackson stated that it was recently constructed.

**Applicant's Comments:**

**Bob Buss**, P.O. Box 240, Owasso, Oklahoma 74055, stated that the construction of the home is on a lot where there is a 90-degree angle on both sides. The corner of the house was going to be behind the 35-foot building line; however, there was some concern about a requirement of a 60-foot minimum lot width. In the attempt to make sure that the lot met the 60-foot minimum lot width they moved the house back. The North Gilcrease Museum Road is not in place at this time and it stops five or eight feet north of the entry of the subdivision. There is no road behind the house at this time. Currently the house sets 30 feet instead of the 35 feet in the rear.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Buss if the developer arbitrarily moved the house without measuring the setback. In response, Mr. Buss stated that he believes that they did measure it and in the attempt to correct one requirement the house was set back too far. He believes that there was a communication breakdown between the builder and the person putting in the foundation and framework. Mr. Harmon stated that there seems to be some carelessness on someone's part because it is not difficult to measure 35 feet. In response, Mr. Buss stated that he doesn't believe that this builder has ever had to come before the Planning Commission before and he is very concerned about all the developments that he is involved in.

Mr. Jackson asked Mr. Buss if this application is an attempt to clear the title. In response, Mr. Buss answered affirmatively.

**Darryl French**, Traffic Engineering, 200 Civic Center, representing the Technical Advisory Committee (TAC), stated the Major Street and Highway Plan calls for a secondary arterial and it will eventually curve and go northwest, which will ultimately tie into the proposed parkway that is being planned and funded. This would ultimately be a potential arterial street and he would like the Planning Commission and the applicant to visualize that this could be a four or five lane arterial street someday. It will not always be a nice quiet rural roadway or dead-end. Mr. French indicated on the arterial map where the road is proposed to be built.

Mr. Carnes stated that Mr. Jackson already explained this situation and the house already exists. Staff has put everyone on notice that this will not be tolerated in the future.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-1-0** (Bernard, Cantees, Cantrell, Carnes, Jackson, Harmon, Midget "aye"; Wofford "nay"; none "abstaining"; Ard, Bayles, Collins "absent") to **APPROVE** the minor amendment for PUD-624-3 to reduce the rear setback from 35 feet to 30 feet for an existing residential structure per Planning Commission.

\* \* \* \* \*

**Application No.: PUD-600-A-6**

**MINOR AMENDMENT**

**Applicant:** Dr. Robert Flint

(PD-18) (CD-8)

**Location:** 9113, 9125 and 9201 South Toledo Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-600-A to permit bulk trash containers and related enclosures within the required 100-foot bulk trash container setback from the east boundary. TMAPC approved a similar request (PUD-600-A-5) for 9101 South Toledo Avenue (Lots 1 & 2, Block 2, Ashton Creek Office Park) on June 7, 2006. As in the case of PUD-600-A-5, PSO has given consent to encroachment within the west 20 feet of their 100-foot easement that runs along the east boundary of PUD-600-A and coincides with the bulk trash container setback. The proposed 80-foot setback should still provide sufficient separation from adjacent multi-family residential to mitigate potential adverse impacts.

Although the proposed dumpsters and enclosures 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-6 as proposed.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Bernard, Cantees, Cantrell, Carnes, Jackson, Harmon, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins "absent") to **APPROVE** the minor amendment for PUD-600-A-6 per staff recommendation.

\* \* \* \* \*

## **OTHER BUSINESS:**

**Application No.:** PUD-631-A

**DETAIL SITE PLAN**

**Applicant:** HRAOK, Inc.

(PD-18) (CD-8)

**Location:** 3916 East 91<sup>st</sup> Street South

## **STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new two-story medical office. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-631-A.

The proposed building complies with building setbacks, height restrictions, and minimum landscape area requirements. Proposed parking and site lighting comply with development standards and the zoning code. (Per plan, visibility of light elements extends into flood plain area which is adjacent to a cemetery – no visibility extends into adjacent/ nearby residential.)

A dumpster and enclosure are proposed at the southwest corner of the property within a utility easement. As no structures are permitted in this easement, the dumpster enclosure must be removed or placed in another location.

Therefore, staff recommends **APPROVAL** of PUD-631-A subject to removal or relocation of the dumpster out of the easement.

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

## **Applicant's Comments:**

**Dwayne Wilkerson**, HRAOK, 1913 West Tacoma, Broken Arrow, Oklahoma 74012, stated that the only issue is the construction of the trash enclosure. There is an approval to place the enclosure where it is shown with a wood fence across the easement. He indicated that he would prefer to put a masonry screening fence and it is in his opinion that this does not constitute a major obstruction and easement. It is no different from any other masonry fence in Tulsa and he would like for the Planning Commission to consider allowing him to build the masonry trash enclosure at the location shown.

Mr. Wilkerson stated that standard language on easements in the City of Tulsa allows for screening fences and walls that do not constitute an obstruction. In his opinion, the paving in the parking lot, curb and gutter and everything thing else that is allowed in an easement is no more an obstruction than the screening enclosure he would like to install around the dumpster.

Ms. Matthews asked Legal if they define structure as a masonry enclosure. In response, Mr. Boulden stated that as a general rule he would consider a masonry enclosure a structure. There will be a foundation and foundations are considered structures.

Mr. Carnes stated that he hates wooden fences and would prefer masonry.

Ms. Matthews explained that the terms of the PUD are that one can't put a structure on an easement and if Legal defines a structure as a masonry enclosure (because it would have to have a foundation) staff can't support this request.

Mr. Harmon stated that he would have to agree with the applicant that it would be no more problem to take the masonry fence out if there is a utility problem than a wooden fence and concrete slab that would be present.

Ms. Cantrell stated that a sidewalk is considered a structure and that would be allowed.

Mr. Boulden stated that he believes in this case it is due to drainage issues. They do not want the masonry enclosure to block the drainage. In response, Ms. Matthews concurred.

Mr. Boulden stated that he isn't sure the applicant could get a building permit for a masonry enclosure in the easement.

Mr. Wilkerson stated that he believes that if he has approval from staff to put the screening fence up, then he would be given a permit. The easement that is in discussion is not a drainage easement. This is a general utilities easement in the back and there are no utilities planned in that easement. It is a perimeter easement that was required as part of the plat process. He stated that in his opinion this is simply a screening fence made of masonry. A masonry screening fence is a better application and a more durable application than a wood fence.

Mr. Midget stated that he agrees with the applicant in this particular instance. This wouldn't be any more of a structure as it would be if wood fence were allowed.

Mr. Midget moved to approve the detail site plan allowing a masonry screening fence. Mr. Carnes seconded the motion.

Mr. Boulden stated that he doesn't know if this can be permitted. There is language in the plat that states that obstructions are prohibited. Now there will be a conflict between two provisions and which one will the permitting office follow. They will see that the Planning Commission approved it, but they may not see it as a good option due to stormwater.

Mr. Midget stated that if it is a screening fence and it is allowed, then the only thing the Planning Commission is stating is that they prefer that it be masonry. Mr. Boulden stated that this is word games. The water is not going to go through a masonry wall as opposed to go under or through a wooden screening fence.

Mr. Bernard stated that they could build drains in the enclosure.

Mr. Jackson stated that the applicant doesn't believe this is in the drainage area. When the applicant goes to the permit office, then they will make him block it out to allow water to flow through. He would not be able to impede the water.


**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Bernard, Cantees, Cantrell, Carnes, Jackson, Harmon, Midget, Wofford "aye"; no "nays"; none "abstaining"; Ard, Bayles, Collins "absent") to **APPROVE** the detail site plan for PUD-631-A per staff recommendation, and allow the applicant to install a masonry screening fence as modified by the Planning Commission.

\* \* \* \* \*

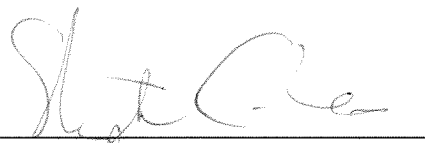
There being no further business, the Chair declared the meeting adjourned at 3:02 p.m.

Date Approved:

2-7-07  


Chairman

ATTEST:

  
Secretary

