

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2460

Wednesday, October 4, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, September 29, 2006 at 10:42 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 1:36 p.m.

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

REPORTS:

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas.

SUBDIVISIONS:

LOT-SPLIT TO RESCIND TIE-AGREEMENT:

L-19990 – Sisemore Weisz (0303)

(County)

South of southeast corner East 66th Street North and Yale Avenue

STAFF RECOMMENDATION:

On December 20, 1989, L-17264 was approved on the subject property, with the condition that a portion of Lot 3 be tied to Lot 5. The company is now out of business and the owner has a buyer for the warehouse and the western parking lot, located on the southern portion of the property (Tract 2). The lot-split is to retain the wastewater treatment plant on the northern tract (Tract 1).

The proposed L-19990 meets all of the IM zoning requirements and there is an existing mutual access easement for Tract 1 off Laufen Drive.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **RESCINDING** the tie language of L-17264 and recommends **APPROVAL** of the current lot-split request, L-19990, subject to the split parcels being tied together to create the resulting tracts.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon, Midget, Wofford "absent") to **RESCINDING** the tie language of L-17264 and recommends **APPROVAL** of the current lot-split request, L-19990, subject to the split parcels being tied together to create the resulting tracts per staff recommendation.

* * * * *

Mr. Bernard announced that agenda Item 12, Z-7035 has requested a continuance to November 15, 2006.

Application No.: Z-7035

RS-3 to CS

Applicant: Richard Gardner

(PD-18c) (CD-6)

Location: South of southeast corner South Mingo Road and East 61st Street

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon, Midget, Wofford "absent") to **CONTINUE** the Z-7035 to November 15, 2006.

* * * * *

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19868 – Karen Layson (6304) (County)

West of northwest corner East 191st Street South and Yale Avenue

L-19976 – Barry Epperson (9329) (PD 6) (CD 9)

2440 East 45th Street

L-19978 – Milbon Walls (1319) (County)

West of southwest corner East 96th Street North and Lewis Avenue

L-19987 – Jerry Burns (9402) (PD 17) (CD 6)

722 South Lynn Lane

L-19991 – Donald Hutchinson (2418) (County)

15684 North 107th East Avenue

L-20005 – Mike Marrara (8327) (PD 26) (CD 8)

4932 East 105th Street South

L-20006 – Mike Marrara (9228) (County)

5000 Southwest Boulevard

L-20007 – Mark Larson (9303) (PD 5) (CD 4)

6305 East 11th Street South

L-20008 – Mark Johnson (7401) (County)

12630 South 193rd East Avenue

L-20009 – Mike Vaughn (2312) (County)

8997 East 166th Street North

L-20011 – Terry Fisher (6215) (County)

20322 South Highway 75

L-20012 – Sisemore Weisz & Associates (9432)

(PD 18c) (CD 5)

East of southeast corner East 52nd Street & 125th East Avenue

L-20013 – Dixit Kadakiu (9405)

(PD 5) (CD 6)

11525 East Skelly Drive

STAFF RECOMMENDATION:

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

Ms. Chronister stated that L-20008 did receive approval; however, at this time the applicant has requested a waiver of the Subdivision Regulations and staff is requesting that this be stricken from the agenda.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES** the TMAPC voted **6-0-0** (Ard, Bernard Cantees, Cantrell, Carnes, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon, Midget, Wofford "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff, eliminating L-20008. (Language with a strike-through has been deleted and language with an underline has been added.)

* * * * *

PLAT WAIVERS:

BOA 20246/Z-7021- (9431)

(PD 18) (CD 6)

5705 South 107th East Avenue (continued from 8/16/06, 9/6/06, and 9/20/06)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to IL.

Staff provides the following information from TAC at their August 3, 2006 meeting:

ZONING:

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

STREETS:

Subdivision regulations require sidewalks. On question # 3 the adjacent property does not readily describe the location of the property based on the complexity of the legal description with various "less and except" references. On question # 4 an additional five feet of right-of-way for 107th East Avenue (classified as an Industrial Street) is required for a total of 30 feet on the east side.

SEWER:

Sanitary sewer service is available and no additional easement is required.

WATER:

A ten-inch water main exists along East 73rd Street South.

STORM DRAINAGE:

No comment.

FIRE:

The east building will be required to be sprinkled per IBC section 903.2.8.

"Where a portion of a facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: The distance requirement shall be 600 feet for Group R-3 and Group U occupancies. The distance requirement shall be 600 feet for buildings equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exceptions: The fire code official is authorized to increase the dimension of 150 feet when: The building is equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. There are not more than two Group R-3 or Group U occupancies. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet six inches. The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire apparatus access roads shall have a minimum of 48 feet of outside turning radius."

UTILITIES:

No comment.

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

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

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

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

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

10. Is this a Major Amendment to a P.U.D.? X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
11. Are mutual access easements needed to assure adequate access to the site? X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X
- * Applicant has agreed to right-of-way dedication and this will likely have been received before the TMAPC meeting.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon, Midget, Wofford "absent") to **APPROVE** the plat waiver for BOA-20246/Z-7021 per staff recommendation.

PRELIMINARY PLAT:

Rose Creek Estates – (2405)

(County)

South of the southeast corner of East 186th Street North and Garnett Road

STAFF RECOMMENDATION:

This plat consists of 15 lots, three blocks, on 18.95 acres.

The following issues were discussed September 21, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE. There is a large PSO easement at the southeast corner of the plat.
2. **Streets:** Show Limits of No Access along Garnett Road. Both north and east stub ends require turnaround areas per the Subdivision Regulations. Subdivision Regulations require sidewalks.
3. **Sewer:** Outside of Tulsa service area.

4. **Water:** Rural Water District # 3, Washington County will serve water. There will be additional 20-foot easements required and the Reserve Area needs to be clarified.
5. **Storm Drainage:** A roadway culvert under 183rd Place North conveys drainage from Lots 4-8, of Block 3, onto Lot 4, Block 2. An overland drainage easement is needed to convey this drainage across Lot 4, Block 2. Please add standard language for "surface drainage" and revise the overland drainage easement language in 1.E to the standard language. There are drainage issues for the downstream lots in this subdivision. Drainage easements will be needed.
6. **Utilities: Telephone, PSO, ONG, Cable:** ONG service will be out of Bartlesville. No buildings can be put in easements. Additional easements may be needed.
7. **Other: Fire:** Fire service needs to be identified and a release letter received. Provide hydrants for fire protection. Provide cul-de-sacs per Subdivision Regulations. Location map should read 11th to Archer and Elwood to Union. Please include Subdivision Control Data Form. *County Engineer:* Conceptual shows an island at the entrance – need Reserve A and language in covenants for ownership and maintenance. Widen right-of-way at entrance (approximately 80 feet) to accommodate Reserve A and additional lane. Dimension location of Reserve A within right-of-way. LNA needed along Garnett Road. Addresses and street names will be assigned by E-911 and will need to be shown on face of plat. Driveway culvert sizes will need to be shown on face of plat (on lot or in a table). May need overland drainage easement on Lot 4, Block 2.

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 County Engineer must be taken care of to his satisfaction.

Standard Conditions:

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

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

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

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

All-Commerce Business Park – (9403)

(PD 17) (CD 6)

East of the southeast corner of Admiral Boulevard and 145th
East Avenue

STAFF RECOMMENDATION:

This plat consists of seven lots, two blocks, on 9.36 acres.

The following issues were discussed September 21, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL. Sixty feet of right-of-way will be needed.
2. **Streets:** Recommend a 60-foot right-of-way for an industrial street per the Major Street and Highway Plan. Change the width of the access points from 60 feet to 40 feet and 130 feet to 60 feet. Include standard language for "Limits of No Access". Recommend a 26-foot width with curb and gutter for a "dead end" industrial street. Subdivision Regulations require sidewalks. South stub end requires turnaround area per Subdivision Regulations.
3. **Sewer:** Change the 15-foot easement shown along the north boundary to a 17.5 foot easement. Connection to the crossing at East Admiral Place is shown as an existing eight-inch line. Our atlas shows it to be a 12-inch stub. You need to connect to the existing pipe, matching grade and size, with ductile iron pipe extending to your proposed manhole on the south side of Admiral. All pipes within the East Admiral Place right-of-way must be ductile iron pipe. Design mainline extension to handle the flow from the entire basin and include a basin drainage map and ordinance flow calculations on the SSID plans.
4. **Water:** Use sleeves, valves and tees instead of tapping sleeves valves (TSV) on the two connections. Add a valve south of the second three-way fire hydrant. Add a 12-inch valve between the two proposed connections.

5. **Storm Drainage:** If the plan is for every lot to provide its own on-site stormwater detention when it develops, then there needs to be a note to state that on the face of plat. Please use the standard language for Section 1 C, where each item states both sanitary sewer mains and storm sewers. Section 1F: Please use storm water as one word in the title. The language in 1 does not work, if every lot provides their own on-site stormwater detention. The language in 1, that begins with provided however, and ends just before the last sentence, is non-standard and must be removed. Unless all stormwater detention is required to be either parking lot detention or underground detention the standard language relating to landscaping, mowing and the cleaning of trickle channels must be included. If the former is true then it needs to be stated in the covenants and on the face of plat. Add the conceptual storm drainage system to the conceptual plan.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements may be necessary.
7. **Other: Fire:** Cul-de-sacs greater than two hundred and fifty feet in length shall have a turn-around radius of not less than forty feet of paving and a radius of fifty-two feet of right-of-way at the property line. Alternative turnaround may be utilized with the approval of the Fire Marshal or his designee. Examples of these include utilization of acceptable hammerheads. Provide a Fire Department approved fire apparatus turnaround on South 147th East Avenue. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than four hundred feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 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 six hundred feet. Show the point of beginning on face of plat. Please include subdivision control data form with final plat. Include a meets and bounds description of the boundary of the platted area commencing from the northwest corner of government Lot 5.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bernard, Cantees, Cantrell, Carnes, Jackson "aye"; no "nays"; none "abstaining"; Bayles, Collins, Harmon, Midget, Wofford "absent") to **APPROVE** the All Commerce Business Park, subject to special conditions and standard conditions per staff recommendation.

West Skyline Estates – (9125)

(County)

Northwest corner of Skyline Drive and 81st West Avenue

STAFF RECOMMENDATION:

This plat consists of 16 lots, three blocks, on 18.65 acres.

The following issues were discussed September 21, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE. County Engineer does not have a concern about the number of curb cuts along South 81st West Avenue.
2. **Streets:** Standard language would have the street rights-of-way and other easement dedications included in Section I, which would have, for example, the heading "public streets and utility easements" or "streets, easements, and utilities". South 81st West Avenue is shown as a secondary arterial on the Major Street Plan; therefore, 50 feet of right-of-way is recommended as well as a 30-foot intersection radius. The existing right-of-way shown along West 51st Street should also be expanded to meet the 50-foot requirement. Show statutory easement along section lines especially on the east side of Block 3. Show "Access and No Access" restrictions along both arterials. Suggest LNA (Limits of No Access) along the Skyline collector street. *County Engineer:* Street names and addresses will be assigned by E-911 – show on face of plat. Show driveway culvert sizes on plat (on lot or in a table). Show 50-foot right-of-way along east side (secondary arterial). Limit access on north side of Skyline to existing drive and proposed street. Limit access along 81st to one access per lot. Limit access on Lot 1, Block 3, to

one or two accesses on Skyline Drive between 81st West Avenue and proposed street (LNA around curve and along 51st Street). Need 30-foot radius at intersections. In Section 3 – LNA – change reference to ODOT to Tulsa County.

3. **Sewer:** Out of Tulsa service area.
4. **Water:** No comment.
5. **Storm Drainage:** Existing drainage ways across Lots 3 and 4, Block 1, and Lots 1-4 of Block 2 may need to be placed in overland drainage easements. Add standard language for “surface drainage,” water mains, storm sewers, and sanitary sewer services”, and possibly “overland drainage easements”. Add the conceptual stormwater drainage system to the Conceptual Improvements Plan.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** Out of City of Tulsa. Provide hydrants for fire protection. Provide cul-de-sacs per Subdivision Regulations. Service for fire must be identified and a release letter received. In Section IA change the dedication for streets to “street rights-of-way”. Label the point of beginning. Include subdivision control data sheet. Complete the dimensions for all line work. Make sure you show all radius and angles.

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. Waiver to right-of-way dedication per Major Street and Highway Plan.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his 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. Bernard stated that there were some issues about this last time regarding water pressure in this area. He asked if this issue had been resolved. In response, Mrs. Fernandez stated that there had been no issue brought up during the Technical Advisory Committee.

Mr. Ard asked if the waiver is for the 50-foot right-of-way on the southeast portion (gap between Skyline and West 51st Street). In response, Mrs. Fernandez answered affirmatively.

Mr. Midget in at 1:52 pm.

Mr. Bernard announced that the Planning Commission was informed that there will be water piped into the subject proposal.

INTERESTED PARTIES:

Janet Strievel, 8102 West Skyline Drive, Tulsa, 74102, stated that her family sold the land to the applicant. Ms. Strievel indicated that the neighbors do not want this development. There is not much growth on the west side and most of the land is agricultural. Ms. Strievel asked if the subject property has been rezoned.

Mr. Bernard explained to Ms. Strievel that the Planning Commission has approved the rezoning for residential. Mr. Bernard asked Ms. Strievel if she is in favor of the proposal. In response, Ms. Strievel answered negatively.

Mr. Bernard explained to Ms. Strievel that the rezoning is already approved and now the subject property is going through the platting process.

Ms. Bayles in at 1:54 p.m.

Mr. Jackson explained to Ms. Strievel that some of the lots are more than one acre and some are a little less than one acre. He indicated that the sewage system will probably be aerobic system unless the property is able to perc and then they would be on lateral line systems. Mr. Jackson stated that the applicant wouldn't be forced to put a fence up around the estate.

Ms. Strievel stated that she opposes this proposal because many of her neighbors have cattle and horses. When these homes are built that may cause problems.

Mr. Jackson stated that typically whoever owns the livestock will be responsible for keeping their livestock on their own property. In response, Ms. Strievel stated that sometimes children have no boundaries and they will mess with the animals. In response, Mr. Jackson stated that he understands Ms. Strievel's concerns, but they are not the Planning Commission's purview.

Ms. Strievel requested that this not be granted and asked what else the neighborhood could do to prevent this development.

Mr. Bernard explained that this proposal has already been approved and the Planning Commission is considering the plat today, which shows what the lots look like and how the layout of the streets, etc. The rezoning is completed.

Mr. Ard stated that between now and when this development becomes reality, the neighbors should meet with the developers to give them some input as to how they would like to see the area developed. He is sure that if the neighbors called the developer and met with him, he would be receptive to hear their concerns.

Applicant's Comments:

Greg Carter, Breisch & Associates, Inc., 16 South Main, Sand Springs, Ok 74063, stated that he is the engineer and land surveyor for this project. The water service is coming from Sapulpa Rural Water and there is an existing eight-inch waterline at 85th West Avenue, which will be extended to the subject property. The developers plan to have the aerobic sewage systems installed for onsite sewer.

Mr. Bernard asked if the developer plans to install a fence around the subject property. In response, Mr. Carter stated that he is unsure of that issue.

Mr. Midget encouraged Mr. Carter to share with the developer the desires of some of the residents in the subject area. Perhaps the developer could have a meeting with the neighbors. In response, Mr. Carter indicated that he would discuss this with the developer.

TMAPC Action; 8 members present:

On **MOTION** of **JACKSON**, TMAPC voted **7-0-1** (Ard, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; Bayles "abstaining"; Collins, Harmon, Wofford "absent") to **APPROVE** preliminary plat for West Skyline Estates and the waiver to right-of-way dedication per Major Street and Highway Plan, subject to special conditions and standard conditions per staff recommendation.

Hidden Oaks of Bixby – (7433)

(County)

East of northeast corner of 181st Street South and 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of 45 lots, three blocks, one reserve area on 120.3 acres.

The following issues were discussed September 21, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG. Additional access needs to be dedicated. Sidewalks are required. Concerns about drainage and access have been expressed by neighbors.

2. **Streets:** Recommend stub street for connection to future development. Subdivision Regulations require sidewalks. Provide a 30-foot intersection radius. Discuss the need for additional stub streets. Include standard language for the proposed mutual access easement.
3. **Sewer:** Out of service area. Aerobic systems are proposed.
4. **Water:** Bixby water will be used. A release letter from Bixby will be required.
5. **Storm Drainage:** Are there any floodplains on this site? Please add a statement to the face of plat. Off-site drainage flows onto the site at no fewer than four locations. This drainage must be conveyed across the site in overland drainage easement, storm sewer easements, or both. Add standard language for overland drainage easements and add the standard language for storm sewers to Section IC. Add the conceptual stormwater drainage system to the conceptual plan.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements are needed.
7. **Other: Fire:** Out of City of Tulsa. Provide hydrants for fire protection. Provide cul-de-sacs per Subdivision Regulations. Recommend stub streets for future second means of fire department access. Fire service needs to be identified and a release letter received from the fire department. Show point of beginning on face of plat and include subdivision control data sheet. Please include a meets and bounds description of the plat boundary in the covenants. *County Engineer:* Street names and addresses will be assigned by E-911 and will need to be shown on face of plat. Driveway culvert sizes need to be shown on plat (on lot or in a table). Question the frontage on Lots 12 and 13, Block 1. Still need to look at stub streets to north and east. If Reserve A is to be future roadway, prefer it to be dedicated and built. Otherwise, need language for ownership by homeowners association and conditions to dedicate for roadway. The County Engineer and Traffic Engineer agreed after discussion that a roadway to the east would be required of future development to the north of this addition.

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 County Engineer must be taken care of to his satisfaction.

Standard Conditions:

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

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

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

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that he is in agreement with the staff recommendation, except in the recommendation, it indicates that sidewalks are required and he would like to request that it be per County standards. He suggested that the sidewalks be approved per County Engineer. Mr. Sack explained that the recommendations that were discussed last week during the Planning Commission worksession regarding County sidewalks would be appropriate for the subject property.

Mr. Alberty stated that he believes that Mr. Sack's comments are in the nature of the policies that were discussed last week during the worksession, which have not been officially adopted. He believes that the County Commissioners and the County Engineer will develop a policy statement for sidewalks under certain conditions. Mr. Alberty clarified that the sidewalk requirement is there; however, the County Engineer will, on a case-by-case basis, review each proposed subdivision plat and determine what the requirements will be. There is no problem with a clarification that the sidewalk issue will be determined by the County Engineer on a case-by-case basis.

Mr. Sack agreed with Mr. Alberty's comments.

INTERESTED PARTIES:

Dr. James Derby, no address given, stated that he owns the property immediately east of the south extension and all of the property to the south. He has no problem with the development if it is properly done. He requested clarification regarding a roadway to the east because he is opposed to that proposal. He has not been approached by the developer or Sack & Associates, to whom he made his presence known many months ago.

Mr. Bernard stated that the stub street would end, but in the future it may continue on to a different portion of the property. The stub street may never be extended.

Mrs. Fernandez explained the streets to Mr. Derby away from the microphone.

Mr. Jackson asked staff to explain stub streets and connectivity for undeveloped sites.

Mr. Alberty explained that in consideration of subdividing land, there is always a provision that streets could be continued. If this wasn't required, then the properties that abut it would be in effect landlocked by not allowing the

continuation of streets. In this particular situation, this street or development is set based at half-section line and there is always a desire to have a north/south collector and east/west collector. This is the reason for a stub street comment.

Mr. Derby stated that there is no access out to the east and that is what he is trying to convey to the Planning Commission. He and his family control all of the access to the east. In response, Mr. Alberty recognized that what Mr. Derby is describing is the current situation, but staff has to prepare for the fact that Mr. Derby's family may not always own that property. If someone were to purchase the property and wanted to develop it in the future and this wasn't provided for, it would be an error on the Planning Commission and staff's part.

Mr. Derby wanted to make it clear that his family doesn't sell land and his family owns, north of the subject property, the half section between 129th and 145th East Avenue. It has been in the family since the original Indian allotments.

Mr. Alberty stated that it might be better if Mr. Derby communicates his opposition regarding the stub street with the County Engineer because he is the one making that requirement.

INTERESTED PARTIES:

Darrell Cox, 17923 South 129th East Avenue, Bixby, OK 74008, stated that his south property line is the creek that runs through the subject property. He further stated that the creek floods and if the developer removes all of the timber and grass, there will be more problems with flooding along 129th East Avenue.

Mr. Bernard stated that during the process the developer will have to make sure that no additional water runoff is occurring. Mr. Sack and his engineering firm will have to design this project to make sure that there is no increase in water flow into Mr. Cox's property or anywhere else. There retention ponds designed in the project to help eliminate the runoff.

Mr. Cox asked if the ponds would be in place before construction and clearing of the land begins. In response, Mr. Jackson stated that before any homes are built the subdivision plat will have to be filed and the County Engineer will have to sign off on the plat. The ponds will be installed before the houses are built. All of the road grading, borrow ditches and any type of onsite detention will all be a part of the plan and will be done with the grading. Mr. Jackson stated that until the grading and detention ponds are finished the applicant would not be increasing the impervious area to create more runoff. The runoff that would be occurring would be the runoff that is already occurring, but the developer wouldn't be adding to it.

Mr. Jackson encouraged Mr. Cox to discuss the detention and flood water issues with the County Engineer.

TMAPC Action; 8 members present:

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

* * * * *

Mr. Midget out at 2:15 p.m.

Cypress Creek West – (9425)

(PD 17) (CD 6)

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

STAFF RECOMMENDATION:

This plat consists of 144 lots, eight blocks, on 40.4 acres.

The following issues were discussed September 21, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-4. Show square footages for each lot. Sidewalks are required.
2. **Streets:** Show street names and provide curve data. Streets need bearing and distance labels where not parallel or perpendicular to perimeter platted boundary lines.
3. **Sewer:** Add easement dimensions to plat. Utility easements must be sized appropriately with a 17.5-foot perimeter easement adjacent to all unplatted property. This includes the area along the east boundary line of the plat and the Reserve Area B. A 15-foot minimum easement width is required on all side lot easements with the ductile iron pipe sanitary sewer line centered in the easement. You are showing a dead end system in the area of Reserve B and a loop system in the western portion of the plat. Some redesign is in order. Broken Arrow system development fees of \$700/acre, Trinity Creek Excess capacity fees of \$640/acre, and lift station relief fees of \$150/acre will be assessed. If you did not participate in building the lift station, then use fees of \$3,936/acre will be assessed also.
4. **Water:** The elimination of 90 degree bends in some of the cul-de-sacs will be required.

5. **Storm Drainage:** The storm sewer easements that run between various lots must be labeled as such, and must include a width with each label. All boundary lines that define the limits of the Reserve Area must contain a distance and a bearing. In Section II B, add "storm sewers" to the title and to the language. There is standard language for this purpose. Use standard language for Section III. Language was omitted between A and B and between B and C. Also, what would have been Section III B4 has been omitted. Add standard language for "overland drainage easements." Add elevations for the contour lines.
6. **Utilities: Telephone, PSO, ONG, Cable:** Clarify Reserve A, setbacks and a 17.5-foot utility easement required along roads.
7. **Other: Fire:** Fire service must be identified and a release letter received for the plat. Show point of beginning on face of plat and include subdivision control data form. All perimeter bearings should be clockwise to match the legal. Provide all curve data.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

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

Cypress Creek West II – (9425)

(PD 17) (CD 6)

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

STAFF RECOMMENDATION:

This plat consists of 147 lots, eight blocks, on 39.36 acres.

The following issues were discussed September 21, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-4. Sidewalks are required.
2. **Streets:** Show street names and provide curve data. Streets need bearing and distance labels where not parallel or perpendicular to perimeter platted boundary lines. Show landscape easement on plat.
3. **Sewer:** Add easement dimensions to the plat. Utility easements must be sized appropriately with a 17.5-foot perimeter easement adjacent to all unplatted property. This includes Lots 11 and 12, Block 5, and property adjacent to Reserve Area C. A 15-foot minimum width easement is required for all side lot easements with the ductile iron pipe sanitary sewer line centered in the easement. You are showing dead end system in the area of Reserve C, some redesign will be required. Broken Arrow system development fees of \$700/acre, Trinity Creek Excess Capacity fees of \$640/acre, and lift station relief fees of \$150/acre will be assessed. If you did not participate in building the lift station, then use fees of \$3,936/acre will be assessed also. Make sure all the sewer easement agreements are in place.
4. **Water:** No comment.
5. **Storm Drainage:** The storm sewer easements that run between various lots must be labeled as such, and must include a width with each label. All boundary lines that define the limits of the reserve area must contain a distance and a bearing. In Section II B, add "storm sewers" to the title and to the language. There is standard language for this purpose. Use standard language for Section III. Language was omitted between A and B and between B and C. Also, what would have been Section III B 4 has been omitted. Add standard language for "overland drainage easements." Add elevations for contour lines.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** Fire service needs to be identified and a release letter received. All perimeter bearings along the west side should be counter-clockwise to match the legal. Provide all curve data. Show point of beginning on face of plat and include Subdivision Control data Form per Subdivision Regulations. *County Engineer:* Keep County informed of access and drainage. There will be possible County projects in the area.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

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

* * * * *

Mr. Midget in at 2:21 p.m.

Stone Creek Commercial Center – (9425)

(PD 17) (CD 6)

Northwest corner of East 51st Street South and 193rd East Avenue

STAFF RECOMMENDATION:

This plat consists of four lots, one block, on 13.20 acres.

The following issues were discussed September 21, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned pending PUD-712. All PUD standards must be shown in the covenants and be followed in the plat. Pipeline easements must be maintained per agreement with the pipeline company.
2. **Streets:** Utility easements are needed along the arterials. Dedicate an additional ten feet of right-of-way for a standard turn bay along 193rd East Avenue and a 30-foot radius. Change the dedication from "streets" to street right-of-way. Include standard language for "Limits of No Access."
3. **Sewer:** Increase the easement along the north of Lot 1 to 11 feet. Increase the easement along the east and north side of reserve A to 17.5 feet. The proposed main extension to serve Lot 2 will need to be extended so it abuts the property for ten feet if ending in a lamp hole, or 15 feet if ending in a manhole. Broken Arrow system development fees of \$700/acre and Trinity Creek Excess Capacity fees of \$640/acre will be assessed.
4. **Water:** A minimum ten-foot restrictive water line easement is required to be adjacent to mutual access easement and the eleven-foot utility easement around Block 1, Lot 4, for the proposed water line. Add restrictive water line covenants. Show water main lines inside a restrictive water line easement.

5. **Storm Drainage:** Add an access easement from a street to reserve A. Add an overland drainage easement between the roadway drainage structures, across the property. Add storm sewer easements and their widths. Add standard language for overland drainage easement and stormwater detention easement maintenance. If the property owners of this platted area are not going to own and maintain the stormwater detention facility, then the outside person or group for ownership and maintenance purposes must be stated in these covenants.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** The mutual access easement shall be extended an additional 20 feet to the west to allow proper fire department access. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than four hundred feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.3.1.2, the distance requirement shall be six hundred feet. Show the point of beginning on face of plat and include Subdivision Control Data form.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

INTERESTED PARTIES:

Christine Bennett, 4925 South 190th East Avenue, 74108, stated that subject property has been built up approximately six to 12 inches higher than the surrounding properties. She indicated that her lot borders the west side of the proposed subdivision at the north edge. Ms. Bennett expressed her concerns regarding water runoff.

Mr. Bernard stated that the developer will have to go through a hydrological engineering process and no water that is not currently running off this property should run off. It should be designed so that it doesn't interfere with any surrounding owners.

Mr. Jackson encouraged Ms. Bennett to contact the Stormwater Management Division of Public Works Department and file a complaint regarding nuisance water being on her property. Ms. Bennett stated that there is no water on her property yet.

After a lengthy discussion, Mr. Jackson informed Ms. Bennett the different entities to contact with her complaints regarding water runoff and mosquitoes. Mr. Jackson and staff explained to Ms. Bennett that this plat is for a PUD for mini-storage and commercial uses. Ms. Matthews explained that staff has found that mini-storage is the less intrusive uses in a neighborhood because they are not usually open 24 hours a day and people do not tend to spend a lot of time at these facilities. The facility will have a wall for screening, which will follow the standard in the Zoning Code for screening.

Mr. Bernard explained to Ms. Bennett that today the Planning Commission is only approving the preliminary plat.

Mr. Albery explained the rezoning, PUD and platting process to Ms. Bennett regarding the steps for future approvals on the subject property.

The Planning Commission encouraged Ms. Bennett to contact the applicant/developer and schedule a meeting to look at their plans or visit the INCOG office. Ms. Bennett was given a business card for the INCOG office.

TMAPC Action; 8 members present:

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

MINOR SUBDIVISION PLATS:

Tulsa Regional Convention and Events Center-(9202) (PD 1) (CD 4)

Northeast corner of West 3rd Street and South Frisco

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 10.6 acres.

The following issues were discussed September 21, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CBD.
2. **Streets:** Please label 2nd Street and Elgin Avenue. Waiver of 25-foot radius is required. Some vacation of dedication still underway.

3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Add the 10' x 15' storm sewer easement adjacent to the west boundary, near Lot 1, of Block 99, Original Town site of Tulsa. Please replace Section I.C. with the standard language for "water mains, storm sewers, and sanitary sewer services. " (Not in receipt of concept plan with contours.)
6. **Utilities: Telephone, PSO, ONG, Cable:** Work still ongoing on site. Additional easements may be needed.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the minor subdivision plat subject to the TAC comments and the special and standard conditions below. The site is unusual as it has an existing subdivision plat and is a complex development for the new events center. There will be "housekeeping" items to be accomplished before the Final plat can be filed of record including some relocation of easements and vacation of previous dedications.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to **APPROVE** the minor subdivision plat for Tulsa Regional Convention and Events Center, subject to special conditions and standard conditions per staff recommendation.

* * * * *

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-599-D

MAJOR AMENDMENT

Applicant: Kevin C. Coutant

(PD-18c) (CD-7)

Location: Southwest corner of East 61st Street and South 104th East Avenue

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 59th Street South and South Mingo Road.

Z-6994 June 2005: A request to rezone one lot west of the northwest corner of East 61st 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.

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 61st 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 abutting the subject property to the east, subject to modifications and conditions as recommended by the TMAPC.

Z-6918 June 2001: All concurred in approval of a request to rezone a 1.23+ acre tract from OL to IL on property located on the southwest corner of East 61st Street and South 104th East Avenue and a part of the subject property

Z-6783 October 2000: A request to rezone two lots located on the southeast corner of East 59th Street and South 99th 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 61st Street and South 90th 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-6718 October 1999: A request to rezone a 1.18-acre tract located on the northeast corner of East 66th Street S. and S. 101st 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 a part of the subject property to allow a three-story, 49,600 square foot office building and a 61-room, three-story hotel.

PUD-599 February 1999: All concurred in approval of a request for a PUD to allow automobile sales, rentals and detailing subject to no retail sales and detailing of the automobiles to take place on the south 160' of the PUD on the subject property. Approval was granted for outdoor advertising to be allowed by minor amendment.

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

PUD-595-A/Z-5970-SP-4 February 1999: All concurred in approval of a Major Amendment to PUD/Corridor Site Plan to change land area, maximum building floor area and building height of previously approved PUD-595/Z-5970-SP-3 on property located south of subject property.

PUD-595/Z-5970-SP-3 October 1998: All concurred in approval for a PUD/Corridor Site Plan for a proposed retail furniture sales center on property located south of subject property.

Z-6652 and Z-6653 September 1998: A request to rezone two lots, located north of the northwest corner of East 61st 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 58th Street and South Mingo Road from RS-3 to IL.

Z-6548 September 1996: A request to rezone the west 286' of the subject property from RS-3 to CH. CH zoning was denied and OL zoning was approved.

Z-6547 July 1996: A request to rezone a one-acre tract abutting the subject tract on the south and east from RS-3 to CS or IL. Staff and TMAPC recommended denial of CS and IL and recommended approval of OL zoning for a proposed daycare facility. City Council concurred in approval of OL zoning on the tract.

Z-6484 April 1995: All concurred in approval of a request to rezone a 6.7-acre tract located as part of the subject tract and south of the southeast corner of E. 65th Place S. and S. 103rd East Avenue from RS-3 to CO.

BOA-16945 February 28, 1995: The Board of Adjustment approved a Variance of the required setback of 200' from an abutting R District to permit a 420 sq. ft. outdoor advertising sign per plan.

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 61st Street South directly north of East 59th 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 61st Street South and South 99th East Avenue from OL to IL.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property slopes downward from south to north and is approximately 107,250± square feet in size and is located on the southwest corner of East 61st Street and South 104th East Avenue. The property is zoned OL/IL/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 61 st Street	Secondary Arterial	100'	5

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

SURROUNDING AREA: The subject tract is abutted on the east by Fox Collision zoned IL/ PUD 599-C and a Credit Union, zoned OL; on the south by Grove Elementary School and vacant Union School property zoned RS-3; on the west by Union Junior High School zoned RS-3 ; and on the north by industrial and commercial uses zoned IL.

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 **Corridor, Low-Intensity, And No Specific Land Use.**

STAFF RECOMMENDATION:

The applicant is requesting an amendment to PUD-599-A, Development Area I, for the purpose of adding an Auto Wash, as permitted in Use Unit #17 (Auto and Allied Activities), and Drive-In Restaurants, as permitted in Use Unit #18 (Drive-In Restaurants).

PUD-599, with underlying zoning of OL, IL and RS-3, was approved in February of 1999 to permit automobile sales and rentals for the then existing Thrifty Car Rental, Inc. In August of the same year, PUD-599-A was approved with two development areas, Area I and Area II. In August of 2001, Area II was the subject of PUD-599-C, which deleted automobile sales and rental uses permitted in Area I to permit an automobile body shop and coffee shop in Area II. (Additional IL zoning was granted in June of 2001 to support PUD-599-C.)

Development Area I of PUD-599-A permits Use Unit #11, Offices, Studios and Support Services, including drive-in bank facilities, and a hotel as permitted in Use Unit #19, Hotel, Motel and Recreation Facilities. A total of 81,420 square feet was permitted. In 2002 a 32,442 square foot hotel was built in the south 260 feet of Development Area I leaving 48,978 square feet of floor area for office development.

A portion of PUD-599-D includes underlying IL zoning which was not in place at the time PUD-599-A was approved. Therefore, the proposed car wash and drive-in restaurants may now be considered as possible uses. Current underlying IL zoning within PUD-599-D would permit approximately 22,000 square feet of higher intensity uses. The applicant is proposing no other changes to the standards of Development Area I of PUD-599-A.

There is an existing access drive from East 61st Street South through Lot 2, Block 1, Commerce Center to the Sleep Inn on Lot 3, Block 1, Commerce Center and there is a driveway cut from Lot 2 to East 61st Street South close to the west property line of Lot 2. Neither access drive lines up with the single platted access from Lot 2 to East 61st Street South. Lot 2 also has access to South 104th East Avenue per a panhandle between Lots 1 and 3. There is an existing ground sign on Lot 2 advertising both Sleep Inn and the Commerce Center development. The sidewalks along East 61st Street are overgrown with weeds and may be in poor repair.

With Fox Collision, a 20,270 of automobile body shop and coffee shop, immediately adjacent to the east and commercial and industrial uses zoned IL to the north, the Union 7th Grade Center, zoned RS-3, to the west and a three-story hotel to the south zoned OL/ PUD 599-A, the proposed car wash and drive-through coffee shop could be appropriate uses. However, staff is concerned about the applicant's intent to concentrate these uses in the north half of the tract adjacent to East 61st Street South. There may be insufficient room to provide adequate storage of vehicles for each drive-through use. (An ATM, which would be permitted by current standards, is also proposed in the north half of the lot.)

Therefore, staff recommends **APPROVAL** of PUD 599-D 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:

LOT AREA:

Gross:	107,250 SF
Net:	98,064 SF

PERMITTED USES:

Use Unit 11, Offices, Studios and Services, including all accessory uses permitted in the OL district, including drive-in bank facilities; and Auto Wash, as permitted in Use Unit #17 (Auto and Allied Activities), and Drive-In Restaurants, as permitted in Use Unit #18 (Drive-In Restaurants).

MAXIMUM NUMBER OF LOTS: 2

MAXIMUM FLOOR AREA:

Auto Wash and Drive-In Restaurants	22,000 SF
Offices	26,000 SF

VEHICULAR AND PEDESTRIAN CIRCULATION:

Only one vehicular access shall be permitted to East 61st Street South. Each lot in the PUD shall have access to all other lots in the PUD through the use of mutual access easements. Drive-through stacking lanes shall be a minimum of sixty feet in length and shall not overlap or extend into access drives. Sidewalks are required along East 61st Street South and shall be replaced and maintained as needed to ensure safe pedestrian access.

BUILDING SETBACKS:

From centerline of East 61 st Street South	100 FT
From east boundary of Lot 2	25 FT
From west boundary of Lot 2	50 FT
From the south boundary of Lot 2	10 FT

MINIMUM PARKING AND ACCESS ROAD SETBACK:

From the west boundary of Lot 2	5 FT
---------------------------------	------

LANDSCAPING AND SCREENING:

A six-foot screening wall or fence shall be provided along the west boundary of Lot 2. A five-foot wide landscaped buffer strip shall be provided immediately adjacent to and inside this required screening fence.

MINIMUM LANDSCAPED OPEN SPACE WITHIN EACH LOT: 10%

SIGNAGE:

One ground sign permitted on East 61st Street frontage not to exceed 25 feet in height or 150 square feet of display surface area. No other ground signs are permitted. No ground sign shall be within 100 feet of the west boundary of the PUD. Wall signs are permitted on the north and east-facing wall of buildings not to exceed 1 ½ square feet of display surface area for each lineal foot of building wall to which attached.

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.

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 9/07/06 and 9/21/06:

General: Previously reviewed for TAC on 7/6/06; revisions to site plan received since that time.

Water: Water mains exist in the area.

Fire: When a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. **Exceptions:** For buildings equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

Stormwater: No comments.

Wastewater: No comments.

Transportation: Subdivision Regulations require sidewalks on street frontages (sidewalks already exist on 61st Street frontage).

Traffic: Coffee shop building cannot interfere with Car Wash stacking area. Coffee shop drive-in shall be designed to include adequate stacking area that will not interfere with the safe use of either driveway.

Conceptually, all four drive-ins now appear to provide adequate storage lengths (3 cars~60 ft) but are not to scale. Recommend 15 ft minimum driveway radii at 61st Street and at least 10 ft radii at the proposed private access aisles. Suggest a minimum of 30-foot Access width at 61st Street rather than the proposed 24 ft due to larger vehicles accessing the future hotel.

GIS: No comments.

County Engineer: No comments.

Applicant's Comments:

Jon Brightmire, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, stated that he is in agreement with the staff recommendation and conditions. The mutual access is in existence and is shared with a hotel.

TMAPC COMMENTS:

Mr. Ard asked Mr. Brightmire if he had a mutual access agreement with the hotel. In response, Mr. Brightmire indicated that the he did have a mutual access agreement with the hotel and it is not a public right-of-way.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of the major amendment for PUD-599-D per staff recommendation.

Legal Description for PUD-599-D:

Lot 2, Block 1, Commerce Center, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, **FROM OL/IL/PUD (Office Low Intensity District/Industrial Light District/Planned Unit Development [PUD-599]) TO OL/IL/PUD (Office Low Intensity District/Industrial Light District/Planned Unit Development [PUD-599-D).**

ZONING PUBLIC HEARING

Application No.: PUD-355-B-4

MINOR AMENDMENT

Applicant: Tanner Consulting, LLC

(PD-18) (CD-8)

Location: West of southwest corner of 89th & Yale Avenue

STAFF RECOMMENDATION:

The Southern Woods Office Park comprises Development Area 'A' of PUD-355-B (Lot 1, Block 1) and PUD-355-C (Lots 2-9, Block 1, Southern Woods Park and Lot 1, Block 1, Southern Woods Park II). The applicant is requesting a minor amendment to PUD-355-B (and PUD-355-C) to apply parking requirements to the development as a whole. Currently, development standards require parking be met per individual lot and development area. The aggregate parking requirement for offices uses within PUD-355-B and PUD-355-C is 509 spaces;

actual parking provided is 549 spaces. The proposed amendment would allow for the removal of a small number of parking spaces to provide cross access between PUD-355-C and PUD-693, a new office development adjacent to the west.

Staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-355-B-4.

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 **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to **APPROVE** the minor amendment for PUD-355-B-4 per staff recommendation.

Application No.: PUD-355-C-3

MINOR AMENDMENT

Applicant: Tanner Consulting, LLC

(PD-18) (CD-8)

Location: West of southwest corner of 89th and Yale Avenue

STAFF RECOMMENDATION:

The Southern Woods Office Park comprises Development Area 'A' of PUD-355-B (Lot 1, Block 1) and PUD-355-C (Lots 2-9, Block 1, Southern Woods Park and Lot 1, Block 1, Southern Woods Park II). The applicant is requesting a minor amendment to PUD-355-C (and PUD-355-B) to apply parking requirements to the development as a whole. Currently, development standards require parking be met per individual lot and development area. The aggregate parking requirement for offices uses within PUD-355-B and PUD-355-C is 509 spaces; actual parking provided is 549 spaces. The proposed amendment would allow for the removal of a small number of parking spaces to provide cross access between PUD-355-C and PUD-693, a new office development adjacent to the west.

Staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-355-C-3.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to **APPROVE** the minor amendment for PUD-355-C-3 per staff recommendation.

Application No.: PUD-485-B

MAJOR AMENDMENT

Applicant: Charles E. Norman

(PD-26) (CD-8)

Location: West side South Memorial Drive at East 109th Street

STAFF RECOMMENDATION:

PUD-619-A August 2, 2006: The TMAPC recommended approval, with modifications to the staff recommendation, of a proposed major amendment to PUD-619 for commercial and hotel uses on a 29.34± acre tract located on the west side of South Memorial Drive at East 106th Street and the subject property. The file has been transmitted to City Council, waiting for final approval.

Z-7032 August 2, 2006: The TMAPC recommended approval for a request to rezone a 7.46± acre tract, of the subject property, from RS-3/OL to CS. The file has been transmitted to City Council, waiting for final approval.

Z-6952/PUD-707 October 2004: All concurred in approving a request to rezone a 37.25± acre tract from AG to RS-3/RD/OL and a Planned Unit Development overlay for a mixed use development with office park, single-family residential and duplex uses per staff recommendation.

Z-6922/PUD-370-B February 2004: All concurred in approving a request to rezone a 9.87± acre tract from RM-1/RS-2/PUD to CS/OL/RM-1/RS-2/PUD and a Major Amendment to PUD with modifications made by the TMAPC pertaining to an 8 foot privacy fence on western boundary, restricting windows on the 2nd story of west walls and office buildings being residential in character.

Z-6810/PUD-646 July 2001: A request to rezone a 35± acre tract located north and east of the northeast corner of East 111th Street South and South Sheridan Road from AG to RS-2 and PUD. The request for RS-2 zoning was denied and RE zoning was recommended with a maximum of 20 lots if the development provided only one access point. The applicant revised the request by including an additional 4.1 acres of land and TMAPC and City Council approved RS-1

zoning and approved the PUD for a maximum of 30 lots with two points of access being provided.

PUD-570-A April 2001: All concurred in approval of a Major Amendment to a PUD on a .74+ acre tract to add Use Unit 18 to permitted uses, and change the parking setback from west boundary on property located north of the northwest corner of East 111th Street and South Memorial.

Z-6795/PUD-578-A January 2001: All concurred in approval of a request to rezone 4.5 acres of the existing PUD-578 from RS-3, RM-1 and OL to CS and a Major Amendment to the PUD to consolidate the original development areas A and B, to delete the previously approved residential uses, and to establish new standards for commercial uses. The property is located in the northwest corner of East 111th Street South and South Memorial Drive.

Z-6722/PUD-619 December 2000: A request to rezone a 34+ acre tract from AG to CS/OL/RS-3 with a Planned Unit Development overlay zoning for a commercial, office and residential development. The TMAPC recommended approval per staff recommendation and the City Council concurred in approval subject to modifications of the development standards.

PUD-578 February 1998: A request for a Planned Unit Development on a 35.7+ acre tract, located at the northwest corner of E. 111th Street S. and S. Memorial Drive and abutting the subject tract on the south, to allow for a commercial and mixed dwelling type residential development was approved, subject to conditions.

Z-6604/PUD-570 February 1998: All concurred in approval of a request to rezone a 2.7+ acre tract located north of the northwest corner of E. 111th Street S. and S. Memorial and south of the subject tract from OL to CS with a PUD for a four lot commercial development.

PUD-370-A July 1997: All concurred in approval of a major amendment to allow a telecommunication tower on the property abutting the subject tract on the north and to the west of the existing church that is located on the property.

PUD-378-A January 1997: A request for a major amendment to change the permitted uses in development areas, in PUD-378 originally approved for an office and commercial development, from greenbelt and offices uses to a single-family gated, residential development. The property is located on the southwest corner of East 101st Street South and South Memorial Drive.

PUD-485-A February 1995: All concurred in approval of a major amendment to PUD-485 to increase the permitted floor area to approximately 30% from 30,000 square feet to 38,859 square feet to accommodate a basketball and batting area and a mezzanine. The property is abutting the subject tract on the southeast east.

Z-6350/PUD-485 March 1992. All concurred in approval of a request to rezone a 2.5 acre tract located abutting the subject property on the southeast east, from AG to CS to permit an indoor and outdoor athletic training center.

BOA-14410 April 1987: The Board of Adjustment approved, per conditions, a special exception to permit a golf driving range and related activities, in an AG zoned district on the subject tract.

Z-5973/PUD-370 September 1984: A request was made to rezone 10 acres abutting the subject tract on the north from AG to RM-1/PUD for a church and multifamily uses. All concurred in approval of RM-1 zoning on the east 350' and RS-2 on the balance of the tract and the Planned Unit Development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is platted, Champions Athletic Complex, is approximately 5+ acres in size and is located on the west side South Memorial Drive and East 109th Street. The existing structure is being used for indoor recreation and as a church. The property is zoned CS/AG/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Memorial Drive	Primary Arterial	120'/ varies	5

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

SURROUNDING AREA: The subject tract is abutted on the east by Memorial Road, the boundary between the City of Tulsa and the City of Bixby, with developed land zoned CS on the east side of the Memorial Road right-of-way; on the south by commercial uses, zoned CS/RS-3/ PUD 570/ PUD 570-A/ PUD 578-A; on the west by vacant property and a City of Tulsa regional storm water facility zoned RS-3/PUD-619; and on the north by a miniature golf course and driving range zoned CS/OL/RS-3/PUD-619.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Linear Development Area-no specific land use.

STAFF RECOMMENDATION:

The applicant is requesting that PUD-485-A be abandoned so that its five acres can be included in PUD-619-B (also on the 10/4/06 TMAPC agenda). The

existing structure, Champions, will be removed and the property will be developed per the standards of PUD-619-B as approved per TMAPC.

Staff finds the proposed abandonment/ amendment to be appropriate due to the property's inclusion and consideration under PUD-619-B and, therefore, recommends **APPROVAL** of PUD-485-B as proposed.

TAC Comments from 9/21/06:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

Traffic: No comments.

GIS: No comments.

County Engineer: No comments.

MSHP: Memorial Drive, between 101st St. S. and 111th St. S., designated as primary arterial, therefore recommend sidewalks along Memorial Drive, per TMAPC subdivision regulations.

LRTP: Memorial Drive, between 101st St. S. and 111th St. S., planned 6 lanes, Recommend coordination with ODOT, as Memorial expansion is scheduled for 2008. Recommend no additional median cuts. Consideration for internal access between commercial developments north and south of property.

TMP: No existing trail planned for property; however Fry Ditch Creek trail planned east of property if developer wants to consider this future amenity.

Transit: No existing or future plans for this location.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is in agreement with the staff recommendation except for one proviso and one request. Mr. Norman described the location of the subject property and the past actions. He explained that the only interested parties were Mr. and Mrs. Alan Carlton and they own the acres immediately to the west of the subject property and the Bridle Trails Neighborhood Association of the subject area. Both parties endorsed the final PUD with provisions and conditions. Mr. Norman stated that he has tried to incorporate all of the provisions of the Alan Carlton letter into the second major amendment that is before the Planning Commission today. Some of these agreements are beyond what is typically required by the Planning Commission or the City Council. He is addressing the two paragraphs that refer to noise levels and to odors referenced in Mr. Carlton's letter dated July 26, 2006 that was submitted on August 2, 2006. He requested that in the transmittal to the City Council, the two paragraphs regarding noise and odors (Exhibit A from 8/2/06 meeting) be included verbatim in this amendment. The City doesn't have any capability for enforcement of those two standards and they would depend entirely upon evidence obtained and prepared by Mr. Carlton and

delivered to the appropriate enforcement officer. He assured Mr. Carlton that he would urge the Planning Commission and very respectfully ask that this be done for his comfort so that there would be no misunderstanding about what the City Council will approve. These will have to be done by a private agreement on covenant.

Mr. Norman stated that the second request is based on the new site plan. The Champion Athletic area is at the southeast corner and it adds to the project by giving access to a second four-way turn that is in existence on Memorial Drive. This adds to the function and efficiency of Memorial Commons. The property immediately to the south has a mutual access easement that comes to the Champion's property that will provide a method to access the Wal-Mart complex without going out onto Memorial Drive, which was a recommendation of the staff in an earlier provision.

In response to Mr. Bernard, Mr. Norman cited the surrounding properties, uses and their access points.

Mr. Norman stated that Mr. Carlton asked him to submit a revised Exhibit C (Exhibit A-1), which more accurately reflects the density of the tree planting that is required by his written agreement.

Mr. Norman stated that there is an issue regarding the maximum floor area that is permitted. Part of the original PUD applicable to the entire property, except Champions, is attached to the northeast corner that has been planted by the First Priority Bank. The First Priority Bank was allocated 21,000 SF of floor area. If the underlying zoning is taken into consideration, then that particular tract would have been eligible for about 36,000 SF of floor area. He didn't include that parcel in the application because he doesn't own it, but he included the surplus floor area in the calculation of the overall maximum floor area to be provided, including the Champion's property. Staff recommends 333,400 SF and he is proposing 350,000 SF total. Staff is concerned, appropriately, that the owners of the First Priority Bank may not realize the significance of that prior allocation 21,000 SF to their tract. He would like to add to the floor area a proviso that the maximum floor area may be increased to 350,000 SF by a minor amendment with notice to the owner of the First Priority Bank tract. This matter could come back to the Planning Commission in the future if needed and it would be processed with the full knowledge and involvement of the First Priority Bank property. There is a surplus related to the bank tract that would be more than enough to reach the 350,000 SF that is being requested. The property was platted by the First Priority Bank and they prepared the Deed of Dedication with 21,000 SF. There is evidence that the bank understood and intended to restrict the use of the tract to 21,000 SF.

TMAPC COMMENTS:

Mr. Bernard asked what would happen if the bank decided to expand. In response, Mr. Norman stated that the bank is a new bank and they will be greatly benefited by the development of the subject property. It is often done in this way in the sense that less floor area is allocated to a drive-through banking facility or to a restaurant than what the tract might otherwise justified because of the higher parking and stacking for restaurants.

Mr. Bernard expressed concerns that this proposal might take rights away from the bank.

Mr. Alberty stated that it wouldn't be taking the rights of the bank away at this time. Mr. Alberty explained that the bank tract was not included in either the amendments ("A" or "B") and staff's position was that it has to be included if density or intensity is being transferred off of that property. The applicant is suggesting that it be done appropriately by minor amendment or whatever Legal feels is necessary. Staff believes that the bank needs to be aware of what is happening.

In response to Mr. Bernard's questions, Mr. Alberty stated that there is no action being taken today on the bank tract of land. Today the Planning Commission is only being asked to approve what the zoning of the PUD, as amended, would permit, which is 333,400 SF. Mr. Alberty further stated that Mr. Norman is asking the Planning Commission to understand that at a future date he may come in and legally transfer that off, but it would be done with the bank being aware of what is being done.

Mr. Norman submitted a revised landscaping exhibit (Exhibit A-1), which accurately describes the agreement with Mr. Carlton and asked for it to be added as a proviso.

Mr. Alberty stated that staff is in agreement, but procedurally the case being considered is PUD-485-B and PUD-619-B is related and Mr. Norman has included his comments for both PUDs.

Ms. Cantrell asked if the letter that has been referred to from Mr. Carlton is something that has been approved in a prior action and the TMAPC now is being asked to pull it. In response, Mr. Norman stated that he is asking that more of the letter be included with this amendment. He would like the two paragraphs regarding noise and odor to be included with the transmittal to the City Council.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of the major amendment for PUD-485-B per staff recommendation.

Legal Description for PUD-485-B:

Lot 1, Block 1, Champions Athletic Complex, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **FROM CS/AG/PUD (Commercial Shopping Center District/Agriculture District/Planned Unit Development [PUD-485-A]) TO CS/AG/PUD (Commercial Shopping Center District/Agriculture District/Planned Unit Development [PUD-485-B]).**

RELATED ITEM:

Application No.: PUD-619-B

MAJOR AMENDMENT

Applicant: Charles E. Norman

(PD-26) (CD-8)

Location: West side of South Memorial Drive at East 106th Street

STAFF RECOMMENDATION:

PUD-619-A August 2, 2006: The TMAPC recommended approval, with modifications to the staff recommendation, of a proposed major amendment to PUD-619 for commercial and hotel uses on a 29.34± acre tract located on the west side of South Memorial Drive at East 106th Street and the subject property. The file has been transmitted to City Council, waiting for final approval.

Z-7032 August 2, 2006: The TMAPC recommended approval for a request to rezone a 7.46± acre tract, of the subject property, from RS-3/OL to CS. The file has been transmitted to City Council, waiting for final approval.

Z-6952/PUD-707 October 2004: All concurred in approving a request to rezone a 37.25± acre tract from AG to RS-3/RD/OL and a Planned Unit Development overlay for a mixed use development with office park, single-family residential and duplex uses per staff recommendation.

Z-6922/PUD-370-B February 2004: All concurred in approving a request to rezone a 9.87± acre tract from RM-1/RS-2/PUD to CS/OL/RM-1/RS-2/PUD and a Major Amendment to PUD with modifications made by the TMAPC pertaining to an 8 foot privacy fence on western boundary, restricting windows on the 2nd story of west walls and office buildings being residential in character.

Z-6810/PUD-646 July 2001: A request to rezone a 35± acre tract located north and east of the northeast corner of East 111th Street South and South Sheridan Road from AG to RS-2 and PUD. The request for RS-2 zoning was denied and RE zoning was recommended with a maximum of 20 lots if the development provided only one access point. The applicant revised the request by including an additional 4.1 acres of land and TMAPC and City Council approved RS-1

zoning and approved the PUD for a maximum of 30 lots with two points of access being provided.

PUD-570-A April 2001: All concurred in approval of a Major Amendment to a PUD on a .74± acre tract to add Use Unit 18 to permitted uses, and change the parking setback from west boundary on property located north of the northwest corner of East 111th Street and South Memorial.

Z-6795/PUD-578-A January 2001: All concurred in approval of a request to rezone 4.5 acres of the existing PUD-578 from RS-3, RM-1 and OL to CS and a Major Amendment to the PUD to consolidate the original development areas A and B, to delete the previously approved residential uses, and to establish new standards for commercial uses. The property is located in the northwest corner of East 111th Street South and South Memorial Drive.

Z-6722/PUD-619 December 2000: A request to rezone a 34± acre tract from AG to CS/OL/RS-3 with a Planned Unit Development overlay zoning for a commercial, office and residential development. The TMAPC recommended approval per staff recommendation and the City Council concurred in approval subject to modifications of the development standards.

PUD-578 February 1998: A request for a Planned Unit Development on a 35.7± acre tract, located at the northwest corner of E. 111th Street S. and S. Memorial Drive and abutting the subject tract on the south, to allow for a commercial and mixed dwelling type residential development was approved, subject to conditions.

Z-6604/PUD-570 February 1998: All concurred in approval of a request to rezone a 2.7± acre tract located north of the northwest corner of E. 111th Street S. and S. Memorial and south of the subject tract from OL to CS with a PUD for a four lot commercial development.

PUD-370-A July 1997: All concurred in approval of a major amendment to allow a telecommunication tower on the property abutting the subject tract on the north and to the west of the existing church that is located on the property.

PUD-378-A January 1997: A request for a major amendment to change the permitted uses in development areas, in PUD-378 originally approved for an office and commercial development, from greenbelt and offices uses to a single-family gated, residential development. The property is located on the southwest corner of East 101st Street South and South Memorial Drive.

PUD-485-A February 1995: All concurred in approval of a major amendment to PUD-485 to increase the permitted floor area to approximately 30% from 30,000 square feet to 38,859 square feet to accommodate a basketball and batting area and a mezzanine. The property is abutting the subject tract on the southeast east.

Z-6350/PUD-485 March 1992. All concurred in approval of a request to rezone a 2.5 acre tract located abutting the subject property on the southeast east, from AG to CS to permit an indoor and outdoor athletic training center.

BOA-14410 April 1987: The Board of Adjustment approved, per conditions, a special exception to permit a golf driving range and related activities, in an AG zoned district on the subject tract.

Z-5973/PUD-370 September 1984: A request was made to rezone 10 acres abutting the subject tract on the north from AG to RM-1/PUD for a church and multifamily uses. All concurred in approval of RM-1 zoning on the east 350' and RS-2 on the balance of the tract and the Planned Unit Development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 34.3± acres in size and is located ¼ mile north of East 111th Street South on the west side of South Memorial Road. J & J Golf and Champions Athletic Complex have been operating on the combined properties for more than ten years. The property is wooded along the north boundary, slopes downward from northeast to west, contains a small pond near the southwest corner and is zoned CS along the Memorial frontage and RS-3 and AG on the western half of the property.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Memorial Drive	Primary Arterial	120' varies	5

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

SURROUNDING AREA: The subject tract is abutted on the east by South Memorial Drive, which is the corporate boundary for the City of Bixby and the City of Tulsa, adjacent to which are commercial uses zoned CS and CG; on the north by an office park development zoned CS, OL, RM-1 and RS-2, all of which are in PUD 370-A and PUD 370-B; on the west by two residential uses on a large acreage zoned AG; and on the south by Wal-Mart SuperCenter, on a combination of parcels zoned CS, RM-1 and RS-3 contained within two Planned Unit Developments: PUD 570/ PUD 570-A and PUD 578-A .

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the east 400' extending along S. Memorial Drive right-of-way, as Medium Intensity Linear Development – No Specific Land Use. The balance of the property is designated as Low Intensity – No Specific Land Use. Because

considerable measures are proposed to mitigate any adverse impact of higher intensity uses on adjacent low intensity uses, the development **may be found** to be in accordance with the Comprehensive Plan. However, staff recommends a corresponding amendment to the Comprehensive Plan to reflect existing and changing conditions in this area.

STAFF RECOMMENDATION:

PUD 619-A, Memorial Commons, was recommended to City Council for approval on August 2, 2006. PUD 619-B proposes to add to Memorial Commons the Champions Athletic Complex, a five-acre tract at the southeast corner of Memorial Commons and subject of PUD 485-B, request for abandonment. Addition of the Champions site will provide Memorial Commons access to the adjacent Wal-Mart complex, PUD 578-B, via a 24-foot wide mutual access easement at the southern boundary of the Champions Athletic Complex plat.

The east 300 feet of Champions Athletic Complex is within the CS – Commercial Shopping zoning district. No additional commercial zoning is requested; however, an increase in commercial floor area is being proposed in conjunction with the added underlying commercial zoning.

Staff finds PUD 619-B to be (a) consistent with the Comprehensive Plan; (b) in harmony with existing and expected development of surrounding areas; (c) an unified treatment of the development possibilities of the project site; and (d) consistent with the stated purposes and standards of the PUD Chapter. Therefore, staff recommends APPROVAL of PUD 619-B as modified by staff subject to the following conditions:

1. TMAPC approval of PUD 485-B, abandonment of PUD 485-A, the Champions Athletic Complex.
2. The Comprehensive Plan be amended to reflect and anticipate current and changing conditions along Memorial Drive between East 101st Street South and East 111th Street South.
3. The Outline Development Plan shall be made a condition of approval unless modified herein.
4. Development Standards:

AREA:

Net:	34.3 AC	1,494,108 SF
Gross:	36.7 AC	1,597,533 SF

PERMITTED USES:

Permitted uses shall include the uses permitted as a matter of right in the CS – Commercial Shopping District, and uses customarily accessory to permitted

uses; but shall exclude Use Unit 12A and Use Unit 19 other than Hotel-Motel, only.

MAXIMUM PERMITTED FLOOR AREA:

Commercial	333,433.65 SF
------------	---------------

MAXIMUM BUILDING HEIGHT:

Commercial Building	35 FT
Hotel – Motel	75 FT

MINIMUM BUILDING SETBACKS:

Commercial Buildings:	
From South Memorial Drive right-of-way	70 FT
From the west boundary	105 FT
From the north boundary	50 FT
From the south boundary	25 FT

Hotel – Motel:	
From South Memorial Drive right-of-way	350 FT
From the west boundary	600 FT
From the north boundary	50 FT
From the south boundary	25 FT

Internal building setbacks shall be established by the detail site plan review.

OFF-STREET PARKING:

Off-street parking as required by the applicable Use Units.

MINIMUM INTERNAL LANDSCAPED OPEN SPACE:

A minimum of 10% of the net land area shall be improved in accord with the Landscape Chapter of the Tulsa Zoning Code as internal landscaped open space, which shall include at least five feet of public street frontage landscaped area.

A landscaped open space not less than 75 feet in width shall be located along the west boundary of the planned unit development. A minimum of 57.5 feet of the 75 feet width shall be planted in trees as a buffer zone, on a spacing of not more than 177 square feet per loblolly pine tree or southern magnolia tree (each tree 15 feet on center from the next). Canarti juniper trees shall be positioned between all loblollies or magnolias on a checkerboard pattern. All trees shall be one gallon size when planted. The entire buffer zone shall have irrigation provided and any trees dying shall be replaced in a timely manner and at the expense of the then-property owner(s).

For purposes of calculating the landscaping required under Section 1002 of the Tulsa Zoning Code, the South memorial drive street-yard shall be considered as 50 feet from the west right-of-way line.

SCREENING:

A permanent, solid screening and security fence similar or superior to that constructed along part of the south property line of the Carlton property within Raven's Crossing shall be constructed along the entire 1320 feet of common property line between the Carlton property and Memorial Commons, including along the west boundary of the Regional Storm Water Detention Facility. Features of the screening and security fence shall, at the least, include a footing of not less than two-foot width and depth with tied rebar included (not less than four pieces of half-inch), and a two-foot height by eight-inch wide stem wall built thereupon, with tied rebar included (not less than two pieces of half-inch). The stem wall shall be topped with brick or stone to match the 2'x2'x9' capped brick or stone columns spaced roughly every 50 feet with six-foot high panels between. All fence posts between are to be of two-inch galvanized steel. Fence panels, if of wood, will be built on three pressure-treated stringers and six-foot vertical cedar pickets above the stem wall. All fencing stringers are to be attached firmly to all brick or stone columns and steel posts. The vertical fence pickets shall be on the Memorial Commons side of the screening and security fence and shall be treated with a waterproofing sealer. All fences shall be maintained by the owners of Memorial Commons and not be allowed to fall into disrepair or unsightliness.

ACCESS AND CIRCULATION:

According to the Long-Range Transportation Plan, South Memorial Road is scheduled to be widened to six lanes in 2008. In keeping, staff recommends that a Traffic Impact Study be performed by a Professional Consulting Engineer prior to the design stage (PFPI) in order to determine the best traffic control solutions. The Comprehensive Plan calls for an east-west collector street at approximately 106th Street South.

Mutual access shall be provided from the current Champions Athletic Complex to PUD 570-A (Sonic) via a mutual access easement as currently provided on the Champions Athletic Complex plat. Additional access easements to the south boundary in common with PUD 578-A (Wal-Mart) and also at the property's northeast corner (First Priority Bank) shall be provided whether or not the adjacent property owners wish to connect at this time. These mutual access easements shall be located so as to assure cross access would be possible if and when the adjacent property owners choose to open access on their properties.

Pedestrian circulation shall be provided as follows:

- (a) Pedestrian circulation shall be provided by sidewalks along South Memorial Road, on both sides of the major driveways and within the parking areas.
- (b) Pedestrian access-ways through the parking lots to the buildings shall be separated by no more than 400 feet.
- (c) Pedestrian walkways shall be clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect.
- (d) Sidewalks or walkways which cross vehicular aisles or driveways shall be distinguished as follows: by a continuous raised crossing, by using contrasting paving material and/ or by using high contrast striping.
- (e) Pedestrian access shall be provided from sidewalks along South Memorial Road to the entrances of buildings fronting South Memorial Road.

SIGNS:

- 1) One business ground sign per lot for a maximum of three business ground signs permitted on the South Memorial Road frontage, each not to exceed 150 square feet of display surface area and 25 feet in height.
- 2) One center and tenant identification ground sign shall be permitted at the principal entrance on South Memorial Drive with a maximum of 240 square feet of display surface area and 25 feet in height.
- 3) One center and tenant identification ground sign shall be permitted at the secondary (southern) entrance on South Memorial drive with a maximum of 160 square feet of display surface area and 25 feet in height.
- 4) Wall signs shall be permitted not to exceed 2.0 square feet of display surface area per lineal foot of the building wall to which it is attached. The length of a tenant wall sign shall not exceed 75% of the frontage of the tenant space. No wall signs shall be permitted on the west-facing walls of the building within 650 feet of the west boundary of the planned unit development.
- 5) Building directories and occupant identity signs may be attached to building walls as permitted under the Zoning Code, so long as such directories and signs do not conflict with other provisions of the planned unit development and provided tenant identity signs on rear wall shall not exceed one-half of a square foot in display surface area.

LIGHTING:

Light standards within 200 feet of the west boundary shall not exceed 12 feet in height. Light standards within the remainder of the planned unit development shall not exceed 25 feet in height.

No outdoor lighting shall be permitted within the west 75 feet of the planned unit development.

All lights, including building mounted, shall be hooded and directed downward and away from the west and north 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 areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography shall be included in the calculations.

EXTERIOR WALL MATERIALS:

All exterior walls of buildings within 300 feet of the west boundary of the planned unit development shall be constructed of similar materials as the side and front walls of such buildings and shall be of a color complementary with the side and front walls. All items affixed thereto shall be painted to match the building (this may exclude those portions of utility-owned meters prohibited from painting by the utility company).

BULK AND TRASH CONTAINER SETBACKS AND SCREENING:

Bulk and trash containers shall be set back from the west boundary of the planned unit development a minimum distance of 120 feet and shall be screened from view from the west, ignoring the boundary fence. All screening materials shall be similar to the building materials and of a complimentary color. All screens shall be maintained by the owners of Memorial Commons and not be allowed to fall into disrepair or unsightliness.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

Ignoring the screening fence along the west boundary of the planned unit development, all trash, mechanical, electrical, HVAC 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 adjacent at the west boundary of, or the west 300 feet of the north boundary of the planned unit development. All screens other than the screening fence along the west boundary of the planned unit development shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. All screens and fences shall be maintained by the owners of Memorial Commons and not be allowed to fall into disrepair or unsightliness.

OUTSIDE STORAGE:

Ignoring the screening fence along the west boundary of the planned unit development, not outside storage or recyclable materials, inventory, trash, pallets, racks, service equipment or similar materials shall be permitted outside of a screened area which shall keep them from being visible from the west boundary of the west 300 feet of the north boundary of the planned unit development. All such screens shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. No storage shall be permitted in transport or rented containers or in temporary storage units. Trucks or truck trailers shall not be parked within 250 feet of the west or north boundaries of the planned unit development except while they are actively loading or unloading. Truck trailers shall not be used for storage or inventory.

BUILDING REAR PARAPETS:

All walls facing west and all walls facing north within 300 feet of the west boundary of the planned unit development shall be built with a four to six-foot parapet to conceal roof-mounted vents and equipment. Building rear (or side where applicable) parapets shall be constructed at a height equal to the height of a front wall parapet plus the roof elevation drop across the building. For the purposes of the calculation or the required height of the parapet, the height of the front parapet shall be assumed to be two feet and the roof drop shall be assumed to be three percent from the front to the rear of the roof depth. (For example, a building wall with a depth of 75 feet with an assumed two-foot high front wall parapet and a roof drop of three percent would require a rear parapet of 4.25 feet in height.) Such building parapets shall be constructed on all buildings having their rear wall facing west or which are within 300 feet of the west boundary and facing north, provided, no such parapet shall be required to exceed six feet in height above the roof deck level immediately adjacent.

NOTICE:

Any future applications for Use by Exception or rezoning within the planned unit development, including lots split there from will require advanced notice to all property owners within 300 feet of the Memorial Commons exterior boundaries plus the owners of the 46 acre property located at 10400 South Memorial Drive currently owned by Mr. A.J. (Tony) Solow. Such notice shall be given by both the owners of Memorial Commons and the Tulsa Metropolitan Area Planning Commission staff.

5. The development standards and conditions of PUD 619-A, including reference to the agreement between Mr. Charles Norman and Mr. Alan W. Carlton, dated July 26, 2006 and noted as Exhibit 'A', not amended by PUD 619-B shall remain in full force and effect.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. 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.

General: No comments.

Water: No comments.

Fire: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than four hundred (400') feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

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 six hundred (600') feet (183 m).

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

Traffic: A Traffic Impact Study is recommended for the two major intersections and should include an evaluation of the need for an EB dual left turn at 109th Street. The alignment of the major south access with the centerline of 109th Street is critical for the safe operation of this intersection. Recommend modifying both NB turn bays on Memorial to increase their storage. Direct access to Wal-Mart is still highly desirable for commercial circulation via a Mutual Access Easement. In the vicinity of the east portion of the north lot (Retail Building "B").

GIS: No comments.

County Engineer: No comments.

MSHP: Memorial Drive, between 101st St. S. and 111th St. S., designated as primary arterial, therefore recommend sidewalks along Memorial Drive, per TMAPC subdivision regulations.

LRTP: Memorial Drive, between 101st St. S. and 111th St. S., planned 6 lanes, Recommend coordination with ODOT, as Memorial expansion is scheduled for 2008. Recommend no additional median cuts. Consideration for internal access between commercial developments north and south of property.

TMP: No existing trail planned for property; however Fry Ditch Creek trail planned east of property if developer wants to consider this future amenity.

Transit: No existing or future plans for this location.

Applicant's Comments:

See related item PUD-485-B.

There were no interested parties wishing to speak.

Ms. Matthews stated that when this case is transmitted to the City Council, the full letter from Mr. Carlton will go with the packet.

Mr. Carnes moved to approve the major amendment per staff recommendation with the revised amended Exhibit C.

Mr. Norman requested additional language be included in the motion.

Mr. Carnes stated that he doesn't believe he can include the language requested by Mr. Norman in the motion because it would be a future recommendation.

Mr. Norman stated that it is not a recommendation, but a procedural method for resolving an issue on the allocation of floor area.

Mr. Carnes stated that it sounds like to him that the minutes can report that. Mr. Jackson asked Mr. Norman if he is asking that a minor amendment be allowed for the increased floor area rather than a major amendment. In response, Mr. Norman stated that there is a difference of opinion between him and the staff and this would be a good way to resolve it and provide for a procedure in the future to let the project to move ahead.

Mr. Boulden stated that he believes this would be all right in this situation. It would be processed with notice and given a full hearing if in the future Mr. Norman decides to file a minor amendment for the increased floor area.

Mr. Carnes withdrew his motion.

Mr. Alberty stated that the square footage as applied for was 350,000 SF. Staff reduced it based upon their calculations. If the Planning Commission approves this major amendment it would be for the 333,400 SF. Staff could put an asterisk stating that it could be increased to 350,000 SF with the appropriate amendments to the PUD.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of the major amendment for PUD-619-B per staff recommendation, with the submission of a revised amended Exhibit C, the letter dated July 26, 2006 regarding noise and odor (Exhibit A) transmitted to the City Council, and with the proviso that the maximum building floor area may be increased to not more than 350,000 SF by a minor amendment with notice to the owner of Lot 1, Block 1, First Priority Bank as modified by the Planning Commission.

Legal Description for PUD-619-A:

The North 10 acres of the NE/4, SE/4, Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, less and except the following 2 tracts: The first tract deeded for Highway described as follows, to-wit: Beginning at the Northeast corner of said NE/4, SE/4; thence South along the East line of said NE/4, SE/4 a distance of 330.00'; Thence West a distance of 105.00'; Thence N 01°00'31" W a distance of 292.49'; Thence N 4°35'05" W a distance of 37.17' to a point on the North line of said NE/4, SE/4; Thence East along said North line a distance of 107.32' to the Point of Beginning; The second tract consisting of Lot 1, Block 1 of First Priority Bank, as recorded with the Tulsa County Clerk, AND A tract of land located in the NE/4, SE/4 of Section 26, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows: Commencing at the intersection of the center line of Memorial Dr. and 111th St. S., this also being the Southeast corner of said Section; Thence N 00°00'31" W 1655.09' along the existing centerline of

Memorial Dr.; thence S 88°47'01" W 115.00' to a point on the West right-of-way line of Memorial Dr. (U.S. HWY 64) being the POB: Thence S 88°47'01" W 650.15'; Thence S01°00'31" E 335.00'; Thence S 88°47'01"W 296.65'; Thence N 62°37'55" W 67.58'; Thence N 90°00'00" W 10.99'; Thence N 00°00'00" E 126.15'; Thence N 90°00'00" W 131.86' to a point of curvature on a curve concave to the southeast; Thence along said curve with a radius of 57.00' a distance of 90.48' to a point on non-tangent line; Thence N 01°01'04" W a distance of 885.45'; Thence N 88°47'15" E 1215.02' to a point on the west right-of-way line of Memorial Dr.: Thence S 01°00'31" E 307.73'; Thence S 04°42'07" W 100.50'; Thence S 01°00'31" E 247.37' to the POB. AND Lot 1, Block 1 Champion Athletic Complex, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **FROM CS/RS-3/OL/AG/PUD (Commercial Shopping Center District/Residential Single-family District/Office Low Intensity District/Agriculture District/Planned Unit Development [PUD-619-A]) TO CS/RS-3/OL/AG/PUD (Commercial Shopping Center District/Residential Single-family District/Office Low Intensity District/Agriculture District/Planned Unit Development [PUD-619-B])**

Application No.: PUD-500-1

MINOR AMENDMENT

Applicant: Sack & Associates

(PD-18) (CD-8)

Location: Northeast corner of South Yale Avenue and East 81st Street South

STAFF RECOMMENDATION:

The applicant is proposing a minor amendment to PUD-500 for the purpose of reducing the minimum required frontage of a lot on an arterial from 150 feet to 100 feet. Per L-19988, a 34.35-foot by 224.50-foot tract is being split from Lot 2 Block 1 (Tract '2B') and is being combined with Lot 3 (Tract '3A'); and a 5.5-foot by 180.0-foot tract (Tract '3B') is being split from Lot 3 (Tract '3A') and being combined with Lot 2, Block 1 (Tract '2A'). If approved, this lot-split/ lot combination essentially shifts property lines of Lots 2 and 3, Block 1. In so doing, Lot 2 (Tract '2A') will no longer have access per the plat onto South Yale Avenue and Lot 3 (Tract '3A' and '2B') will have two accesses onto South Yale Avenue. Both Lots 2 and 3, as adjusted, have access onto East 81st Street South. No other changes to development standards of PUD 500 are proposed.

Staff finds the requested amendment to be minor in nature and recommends **APPROVAL** of PUD 500-1 subject to mutual access being provided from the northernmost access of the combined Tracts '3A' and '2B' to Tract '2A' (the remainder of Lot 2, Block 1).

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to **APPROVE** the minor amendment for PUD-500-1 per staff recommendation.

* * * * *

Application No.: PUD-571-3

MINOR AMENDMENT

Applicant: Zone Systems, Inc.

(PD-18) (CD-8)

Location: 8307 East 81st Street South

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-571 for the purpose of locating a 160-foot tall communication tower at the southwest corner of the subject property which has been developed as mini-storage. Development standards do not permit the proposed use; however, because the underlying zoning is CS, Commercial Shopping, the applicant may request inclusion of the communication tower use (UU #4) by minor amendment.

Per Section 1204.3.g of the zoning code, communication towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential, office or agricultural zoned lot. (TMAPC recently denied a request for the tower at the northwest corner of the development because of its proximity to multi-family residential – PUD-571-2). The proposed tower is within a CS district, but is also within fifty feet of a residential (RM-1) district. However, this residential zoning is contained within PUD-571 and is part of the mini-storage development. Per the applicant, the proposed communication tower would be approximately 289 feet south of the nearest residential property line to the north and approximately 265 feet west from the nearest residential property line to the east. Property zoned residential to the west and south is approximately 800 and 900 feet, respectively, from the proposed tower.

Staff finds the amendment to be minor in nature and recommends **APPROVAL** of PUD-571-3 as proposed.

The applicant indicated his agreement with staff's recommendation.

* * * * *

hotel on the north 6.9 acres and office and mini storage on the south 2.5 acres, per staff recommendation.

Z-6714-SP-1/PUD-498-A October 1999: All concurred in approval of a request to rezone the subject tract from OM/PUD to CO/PUD for a proposed 2-story, 63-room hotel.

Z-4900-SP-4 June 1999: All concurred in approval of a proposed Corridor Site Plan on a 12.7 acre tract for a 184 unit multi-family complex on property located on the southeast corner of South Mingo Road and East 75th Street South.

PUD-579-A/Z-6333-SP-2 February 1999: All concurred in approval of a proposed Major Amendment to PUD-579 and a Corridor Site Plan to amend boundary of PUD, create 3 development areas, add Use Units 2 (private clubs), 5 (community centers), 11, and to establish permitted uses for new Development Area on property located on the north side of East 81st Street and west of Mingo Valley Expressway.

PUD-579/Z-6333-SP-1 February 1998: All concurred in approval of a proposed PUD on a 49 acre tract which is located on the north side of E. 81st Street S. at the Mingo Valley to allow a mixed residential development which would include townhouse dwellings, apartments, churches, private schools and other uses that are compatible with a residential environment, subject to approval of detail site plan approval with the PUD standards being met, for each development area prior to issuance of building permits.

Z-6611/PUD-575 December 1997: All concurred in approval of a request to rezone a 32.8-acre tract located ¼ mile north of the northeast corner of East 81st Street and South Mingo Road, which included the subject property, from AG to CO/PUD. The PUD that was approved allowed for multifamily uses on the south half (Development Area A) and a mini-storage facility with a single-family dwelling and accessory office use for the storage facility on the north half (Development Area B) of property.

PUD-521-A February 1996: All concurred in approval of a proposed Major Amendment on a 2.43 acre tract for a cell tower in Development Area C on property located west and south of southwest corner of East 71st Street and Mingo Valley Expressway.

PUD-531 April 1995: All concurred in approval of a proposed Major Amendment on a 36.8 acre tract for 3 development areas: Area A is 10.8 acres for commercial shopping; Area B is 4.6 acres for office; Area C is 18.6 acres for apartment on property located on the northeast corner of East 81st Street and Mingo Road.

Z-6469/PUD-521 January 1995: All concurred in approval of a request to rezone an 8.1 acre tract located on the southwest corner of E. 71st Street and S. Mingo Valley Expressway from CO and OL to CS/RM-2; PUD for a retail shopping center with restaurant use.

Z-6402/PUD-498 May 1993: A request to rezone an 11.4-acre tract that included the subject property, from CS and CO to CS/PUD. Staff and TMAPC recommended approval of CS zoning on only the north 330' and OM zoning on the remainder of the tract. City Council concurred in the approval of CS on the north 330 and OM on the balance with approval of the PUD with conditions.

Z-4900-SP-3 November 1985: All concurred in approval of a Corridor Site Plan and detail landscape plan to permit a courier/mail service with a 37,400 square foot building per conditions.

Z-5537-SP-1 October 1985: All concurred in approval of a proposed Corridor Site Plan on an 80 acre tract of land for an Intermediate High School for Union Public School System on property located north of the northwest corner of South Garnett Road and East 81st Street and abutting Mingo Valley Expressway.

Z-4900-SP-2 February 1983: All concurred in approval of a proposed Corridor Site Plan on a 12 acre tract for 276 multifamily dwellings on property located south of southeast corner of East 71st Street and Mingo Road.

Z-4900-SP-1 February 1983: All concurred in approval of a proposed Corridor Site Plan on a 16.6 acre tract for multi family dwellings on property located south of southeast corner of 71st Street and Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 16.63± acres in size and is located between U.S. Highway 169 and South 101st East Avenue, north of East 81st Street South. The majority of the property is vacant and is zoned CO/PUD. A 50-foot tall ground sign with 500 square feet of display surface area advertising Cancer Treatment Centers of America is located on the north 450 feet of the property adjacent to U.S. Highway 169 frontage. In addition, a temporary construction facility and yard associated with the development is adjacent to the cul-de-sac at the intersection of South 101st East Avenue and East 79th Street South.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 101 st Avenue			n/a

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

SURROUNDING AREA: The subject tract is abutted on the east by U.S. Highway 169; on the north by vacant floodplain recently approved by TMAPC for use as a park (Z-6333-SP-3), zoned CO; on the west by Cancer Treatment Center, and Tall Grass Office Park, both zoned CO; and on the south by a medical office and vacant lots, zoned CO.

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 **Low Intensity-No Specific Land Use/Development Sensitive**.

STAFF RECOMMENDATION:

PUD-579 and Corridor Site Plan Z-6333-SP-1 were approved by City Council on January 15, 1998 to permit townhouse dwellings, multifamily dwellings, churches, nursing homes and schools within both Development Area A and Development Area B, with somewhat higher densities within Area B. On February 12, 1999, City Council approved PUD-579-A and Corridor Site Plan Z-6333-SP-2 which amended the northern boundary of the PUD to reflect the City of Tulsa's adjustment to floodplain boundaries, established three development areas rather than two as originally approved, added offices and studios (Use Unit #11) as additional permitted uses in the three development areas, added private clubs (Use Unit #2) and community centers (Use Unit #5) as an additional permitted uses in Development Area B, and established permitted uses for new Development Area C. Uses permitted in Development Area C include Off-Street Parking (Use Unit #10), Offices and Studios (Use Unit #11) including drive-through banking, Entertainment Establishments and Eating Establishments other than drive-ins (Use Unit #12), Convenience Goods and Services (Use Unit #13), and Shopping Goods and Services (Use Unit #14).

The purpose of PUD-579-B and Z-6333-SP-4 is to add Hotels and Motels, only, as permitted within Use Unit 19, Hotel, Motel and Recreation Facilities, within Development Area B. More specifically, the Hotel use would only be permitted on Lot 4, Block 1, Tall Grass.

Development Area A of PUD-579-A has been platted as Tall Grass Office Park on which small, residential-style office buildings are being constructed. The Cancer Treatment Regional Hospital has been constructed on Lot 5, Block 1 of Development Area B and is now in operation. The hospital recently received TMAPC approval (May 17, 2006) for a 50-foot tall sign with 500 square feet of display surface area on the north 466 feet of Lot 4, Block 1 adjacent to the U.S. Highway 169 right-of-way. Only one lot of three within Development Area C has been developed and is the site of a small medical clinic.

Lot 4, Block 1, Tall Grass is bounded on the west by South 101st Avenue across which is the Tall Grass Office Park and by The Cancer Treatment Regional Hospital; on the north by floodplain land owned by the City of Tulsa on which the

Planning Commission approved Upper Haikey Creek Park (Z-6333-SP-3) on September 6, 2006; on the east by U.S. Highway 169 right-of-way; and on the south by Development Area C of PUD-579-A. A 25-foot Mutual Access Easement runs east to west along the shared boundary of Area C and Area B.

Considering the regional nature of the proximate Cancer Treatment Hospital and of Tulsa Community College, located on the south side of East 81st Street South across from PUD-579-A, staff finds the proposed addition of a hotel use in this location to be appropriate and in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-579-B/Z-6333-SP-4 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD and Corridor Chapters of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-579-B/Z-6333-SP-4 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:**

NET LAND AREA (Lot 4, Block 1): 16.63 AC 724,529 SF

PERMITTED USES:

Those uses as permitted in Development Area B of PUD-579-A and hotels and motels as permitted in Use Unit 19 and uses customarily accessory to hotels and motels, including restaurants, taverns, meeting rooms and conference and convention facilities.

MAXIMUM BUILDING HEIGHT:

Hotels and Motels 120 FT

Multi-family dwellings, other dwellings, offices and other uses as permitted by Development Standards for Area B of PUD-579-A.

OFF-STREET PARKING:

As required for the applicable use(s) by the Tulsa Zoning Code.

MINIMUM BUILDING SETBACKS:

Hotels and Motels:

From the Mingo Valley Expressway r-o-w	50 FT
From the boundaries of abutting City of Tulsa property planned for natural drainage way and flood plain	15 FT

From the east boundary of Lot 5, Block 1	15 FT
From South 101 st East Avenue	75 FT
From common boundary with Lots 1-3, Block 1 (Development Area C)	25 FT

Multi-family dwellings, other dwellings, offices and other uses as permitted by Development Standards of Area B of PUD-579-A.

MINIMUM LOT WIDTH: 150 FT

MAXIMUM BUILDING FLOOR AREA RATIO PER LOT: .75

MAXIMUM LAND COVERAGE PER LOT: 30%

MINIMUM LANDSCAPED AREA:

A minimum of 10% of the net lot area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

TRAIL EASEMENT:

Provide a minimum 20-foot wide trail easement for extension of the funded Mingo Creek Trail from the south boundary to the north boundary of Lot 4, Block 1, Tall Grass; or, construct the required sidewalk along South 101st East Avenue to ODOT trail standards.

PEDESTRIAN CIRCULATION:

- (a) Sidewalks shall be provided along South 101st East Avenue.
- (b) Pedestrian walkway(s) connecting the sidewalk along South 101st East Avenue to building entrances ~~and to the Mingo Creek Trail shall be provided.~~ Staff is not sure where this trail will be located and staff reserves the opportunity to require a connection at a later time.
- (c) Pedestrian access-ways through parking lots to the buildings shall be separated by no more than 400 feet. Based upon individual site plans, lots with less than 100 parking spaces will be reviewed to determine applicability for pedestrian access easements.
- (d) Pedestrian walkways shall be clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect.
- (e) Sidewalks or walkways which cross vehicular aisles or driveways shall be distinguished as follows: by a continuous

raised crossing, by using contrasting paving material and/ or by using high contrast striping.

LIGHTING:

No light standard or building-mounted light shall exceed 25 feet in height. All lights standards shall be hooded and directed downward. 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 nearby residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level and no bulk trash containers shall be accessed directly from a public street.

SIGNS:

Hotel and Motel Uses:

- A. One ground sign for each hotel and motel use lot fronting on South 101st East Avenue not to exceed 120 square feet of display surface area or 12 feet in height.
 - B. One ground sign not to exceed 35 feet in height and 200 square feet of display surface area adjacent to the U.S. Highway 169 expressway frontage with a minimum setback from the U.S. Highway 169 right-of-way of 25 feet; provided no additional expressway frontage ground sign shall be permitted in the north 466 feet of Lot 4, Block 1, Tall Grass.
 - C. Wall signs not to exceed two square feet of display surface area per lineal foot of the building wall to which affixed, provided wall signs shall not exceed 75% of the length of the building wall to which attached.
3. Standards of Development Area B of PUD-579-A not modified herein shall remain in effect.
 4. No zoning clearance permit shall be issued for a lot within the PUD/ Corridor Site Plan 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/ Corridor Site Plan 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/ Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD/ Corridor Site Plan 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/ 805.E 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/ Corridor Site Plan conditions of approval and making the City beneficiary to said covenants that relate to PUD/ Corridor Site plan 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/ Corridor Site Plan 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 9/21/06:

General: No comments.

Water: A looped water main extension will be required.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

Traffic: No comments.

GIS: No comments.

County Engineer: No comments.

MSHP: Recommend sidewalks along 101st, per TMAPC subdivision regulations.

LRTP: No Comment

TMP: Option A: Mingo Creek Trail Planned in vicinity. Request that applicant provide easement for trail from South Boundary of Block 4 to North Boundary, connecting to existing trail which currently terminates on the south side of 81st Street, and to the planned trail north of block 4. Trail will cross 81st on street at 101st.

Option B: Applicant can construct required sidewalk on 101st St to ODOT trail standards.

Transit: Currently, Tulsa Transit operates an existing route on 81st St. S., between Mingo Road and US-169. According to MTTA 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:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that this amendment is for the entire area that is adjacent to the Mingo Valley Expressway. The only purpose is to add hotel/motel as an additional use. Within the subject area today offices and multifamily dwellings are allowed. Staff has determined that this is an appropriate use adjacent to the expressway corridor.

Mr. Norman clarified that the .75 FAR that he is requesting is to apply only to hotel/motel use.

Mr. Norman stated that this is a major amendment and the issue with the trail system and the pedestrian connection opens the door back up to impose the current sidewalk requirements and the trail requirements that are now standard parts of the PUD and corridor site plan process. In this particular instance, the trail to the south comes north from 91st Street adjacent to the expressway right-of-way and wanders through the Tulsa Community College campus, then over to 101st East Avenue. There is a signalized access that allows access into the campus. Staff recommendation gives the option to the developer of Lot 4 to either install a wider sidewalk and put it along 101st East Avenue or put it adjacent to the expressway. If the trail is on the backside of the subject property, then the effect of Subsection B without the change would be to require sidewalks to be constructed from buildings back to the trail. These trails are for public use and not all of the abutting property owners want people to have access from the trail into their properties. Staff accepted this concern and recognized that there is a right of privacy so the only deletion is "...and to the Mingo Creek Trail shall be provided".

Mr. Norman stated that there is one additional issue that he thought about and didn't discuss with staff. The wording for pedestrian circulation is taken almost verbatim from the Tulsa Hills project, and in the Tulsa Hills project there was a proviso that those standards did not apply to parking areas with fewer than 100 parking spaces. If this is agreeable with the staff, then he would like to add that language to this project.

Mr. Alberty agreed with new language "...Based upon individual site plans, lots with less than 100 parking spaces will be reviewed to determine applicability for pedestrian access easements.

Mr. Norman agreed with Mr. Alberty's language.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **JACKSON**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of the major amendment/corridor site plan for PUD-579-B/Z-6333-SP-4 per staff recommendation as modified by staff and Mr. Norman. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-579-B/Z-6333-SP-4:

Lot 4, Block 1, Tall Grass, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **FROM CO/PUD (Corridor District/Planned Unit Development [PUD-579]) TO CO/PUD (Corridor District /Planned Unit Development [PUD-579-B])**.

Application No.: Z-7041

RS-3 to PK

Applicant: Mark Kinney/Cyntergy/City of Tulsa (PD-11) (CD-1)

Location: West of southwest corner of West Newton Street and North Gilcrease Museum Road

STAFF RECOMMENDATION:

PUD-699 March 2004: All concurred in approval of a proposed Planned Unit Development on a 22± acre tract for an 84-unit multifamily development, on property located south of southeast corner of West Newton and North 24th West Avenue with conditions.

PUD-232-B September 1993: All concurred in approval of a proposed major amendment to a Planned Unit Development on a 33± acre tract to add land to PUD and commercial uses on property located north and west of northwest corner of West Pine and North Union.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.5 acres in size and is located west of the southwest corner of Newton Street and Gilcrease Museum Road (formerly 25th West Avenue). The property appears to be vacant and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West Newton Street	N/A	N/A	2
Gilcrease Museum Road	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by a large-lot single-family residence and across Gilcrease Museum Road by hilly and heavily-wooded vacant land, both areas zoned RS-3; on the north by Gilcrease Museum and the Gilcrease-Turner Tract Park, zoned RS-3; on the south by hilly and heavily-wooded vacant land, zoned RS-3 and on the west by vacant land and single-family residential land, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 11 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity – No Specific land use. According to the Zoning Matrix, the requested PK designation **may be found** in accord with the Comprehensive Plan. This property is marked and has been used for auxiliary parking for the museum and other related functions for a number of years.

STAFF RECOMMENDATION:

The requested zoning will bring its designation in line with its use during peak periods, which use has been compatible with the surrounding area and a benefit to the museum. Based on that and the Comprehensive Plan, which recommends support of public and other cultural facilities, staff recommends **APPROVAL** of Z-7041 for PK zoning.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Ginny McElwaine Rohr, 1228 South Florence Avenue, 74104, stated that her parents have lived at 1115 North 27th West Avenue since 1964, which is south of the proposed area. Ms. Rohr submitted a page from the phone book showing the 2.5 acres that is in question (Exhibit B-2). She commented that her family was present prior to the museum being built and before the City annexed the subject area.

Ms. Rohr stated that when urban renewal was being applied to the downtown area, her father applied to have his business office built onto the back of his property, which faces 25th Street. He was denied this proposal based on the fact that it would create too much traffic for an RS-3 neighborhood. The mandate to retain an RS-3 neighborhood has been set as a precedent.

Ms. Rohr stated that the museum had 13 acres when it was first given to the City of Tulsa and they now have 540 acres. The museum has ample area to create additional parking and she is opposed to the rezoning of the subject property.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Rohr if she had any specific reasons for not wanting this rezoning besides not wanting additional traffic on Newton. In response, Ms. Rohr stated that this is a neighborhood and she would like to retain the neighborhood status. It would not be appealing to look out of her front window and see a parking lot.

Mr. Jackson asked Ms. Rohr if the parking lot was adequately screened, landscaped and limited lighting would she be agreeable. In response, Ms. Rohr stated that it would still be a parking lot.

Mr. Jackson stated that he is asking these questions because the Planning Commission needs facts.

Ms. Rohr stated that there is the issue of lights coming into the house. When someone purchases a home to live in, they choose to live in a wooded area and if they then have a parking lot viewable from the window, it is a shocking thing. The museum does have 540 acres to choose from for additional parking.

Mr. Bernard asked how often the museum would use the subject property as an overflow. In response, Ms. Matthews stated that it would depend on how many special events that they have. Ms. Matthews cited several events that she knows of that the overflow parking was on the subject lot. Ms. Rohr stated that the Mayor's swearing-in party, exhibits, etc. were causes for use of the lot.

INTERESTED PARTIES:

Patty Mandrell, 1171 North 27th West Avenue, 74127, thanked Mr. Moore for being very considerate of notifying the neighbors about the meetings and allowing them to attend as concerned neighbors. Ms. Mandrell submitted a packet of maps and letters opposing this application (Exhibit B-2). She explained that she appreciates the beauty that the museum has brought to the area, but she is concerned about the parking lot coming into the neighborhood. A concern is with the car gate that they are proposing if they need to park onto Mr. Johnson's property. That would bring cars right into the heart of the neighborhood. She doesn't believe the parking is allowed on Mr. Johnson's

property according to the Zoning Code. Ms. Mandrell indicated that in May or June of 2005 she called the Neighborhood Inspections and filed a report that she would like RS-3 zoning enforced, which meant no parking.

Ms. Mandrell stated that the museum has a Master Plan for expansion of the museum, which is long-term. If all these plans are realized, then it would require a massive expansion of parking. She is concerned that this would move farther and farther into the neighborhood, particularly with the car gate that would invite cars to park on Mr. Johnson's property. Ms. Mandrell expressed concerns of parking moving into the neighborhood and losing established trees to make the parking lot requested.

TMAPC COMMENTS:

Ms. Bayles asked Ms. Mandrell to tell her more about the car gate and Mr. Johnson's lawn. In response, Ms. Mandrell stated that the Johnson property has a proposed gate that will open up and allow cars to travel from the subject property onto Mr. Johnson's property for overflow parking. However, the neighborhood is not sure that is allowed according to the Zoning Code. Ms. Mandrell commented that she doesn't want to encourage cars parking in the neighborhood on Marshall Street.

Ms. Bayles asked how long this parking lot has been used for overflow parking. In response, Ms. Mandrell stated that it was used since 2004 to 2006.

INTERESTED PARTIES:

Leslie Weeks, 1100 North 7th West Avenue, 74127, stated that she moved into the subject area approximately three years ago. She has made a significant investment to live in the subject area. Her front gate views the Johnson property. Ms. Weeks commented that she takes walks with her small daughters and the other day they saw deer on the subject property, which is the view she had in mind when she moved into the subject area and not a parking lot. Ms. Weeks indicated that she is opposed to the car gate access. She expressed concerns with people crossing the street from the parking lot to the museum on Newton because it is very hilly and has a blind spot.

Applicant's Comments:

Gary Moore, Assistant Director of Gilcrease Museum, 1400 Gilcrease Museum Road, 74127, stated that the frequency of the usage of the overflow parking lot is infrequent. There might be some occasional night-time events where there are large events due to holidays. Usually the night-time events fit within the confines of the regular lots. Sometimes during the day when regular attendees and a special event is taking place, the lots get over-crowded and there is little choice but to have the public park on the streets, which creates a hazard for the neighborhood. If there is a major exhibition that requires overflow parking as opposed to shuttling people in from other locations, then the lot would be

advantageous for that, but that type of event hasn't occurred since 1998. The use of the lot would be somewhat infrequent.

Mr. Moore stated that the acreage that the museum owns is vastly undeveloped and is located to the northwest. It was secured as a means to protect the vista from the museum to the northwest and would not be usable for parking.

Mr. Bernard asked Mr. Moore what the topography is in the area to the northwest. In response, Mr. Moore stated that it is very hilly and heavily treed. It would be very difficult, without considerable expense, to develop. The Master Plan for expansion is not funded and it could be five years or 50 years before that happens. He indicated that he is more concerned about the museum's immediate needs regarding parking.

Mr. Moore stated that he has a letter from Mr. Johnson indicating that he is perfectly happy with the proposed parking lot, which is adjacent to his property (Exhibit B-1). The plans were originally to have a pedestrian gate through Mr. Johnson's property. Mr. Moore indicated that a car gate was Mr. Johnson's suggestion. This is something that is negotiable with the neighbors. Once there was funding for this project he called the neighbors and they have been involved in every meeting on it and allowed to express their concerns. He indicated that the museum wants to be a good neighbor and are trying to preserve as many of the trees that are there and the natural vegetation. Mr. Moore stated that he is recommending down lighting and an electronic gate that can be closed after every event so that no one can access the subject property except during the event.

TMAPC COMMENTS:

Mr. Midget asked Mr. Moore how many cars he expects to utilize this project. In response, Mr. Moore stated that the plan that has been developed will allow 110 additional spaces on the subject tract.

Mr. Midget encouraged Mr. Moore to maintain as much natural vegetation and greenery as possible so that the parking lot is not so intrusive to the neighbors. In response, Mr. Moore agreed with Mr. Midget and stated that is why he involved the neighbors in the meetings. Mr. Moore further stated that he was under the impression at the meetings that the neighbors were quite pleased with the plan that was developed in terms of the vegetation being protected. The big issue for the neighbors has been to not lose the existing fence because it has so much natural vegetation growing on or around it. The museum is in complete agreement on this issue.

Mr. Midget stated that he is aware of the blind spot that was mentioned by Ms. Weeks. Possibly it would best to talk with Traffic Engineering regarding how to make that a safer place for pedestrians. Mr. Moore suggested that Mr. Mark Kinney speak on that issue.

Mark Kinney, Cyntergy Engineering, 320 South Boston, Suite 1200, Tulsa, OK 74103, consultants for this project, stated that the driveway has been rearranged and placed in the safest place for sight distance when entering or leaving the parking lot. Newton has a very steep hill and the street is not in compliance with Tulsa's design standards because it was done many years ago. He commented that Mr. Johnson is a supporter of the museum and has been involved in the meetings. There is a proposal to place a striped-out area on Mr. Johnson's property to be used by employees and volunteers. The reason Mr. Johnson requested a gate there is to take traffic off of 25th West Avenue.

Mr. Moore stated that utilizing Mr. Johnson's property would be rare, even more than any of the other usages. The only time Mr. Johnson's property would be used would be for a large public event where there would be four to five thousand people a day. The lot would be used for volunteers' and employees' parking to allow more public parking availability. This would be only done with Mr. Johnson's permission and that would only be once a year or once every two years.

Mr. Midget stated that it was really a preemptive strike to preserve the beauty for the museum and the view to the northwest when Gilcrease Museum purchased the property to the northwest. A public trash dump was originally proposed for that site.

Mr. Moore indicated that to the north of the museum is the most likely place for any expansion of parking in the future if the museum ever expands. Extending access down into the meadow and possible tiered parking down to the west would be the next possibility. There are no plans to expand parking into the neighborhood.

Mr. Moore reiterated that the museum has no funding for any future expansion to the museum.

Mr. Bernard asked if it would be a reasonable alternative to put parking in the meadow. In response, Mr. Moore stated that the museum does not have the funding to do the things that would be needed to create access to the meadow for parking.

Mr. Jackson asked Mr. Moore to explain to the Planning Commission how far down hill the meadow is and how far away the meadow is. In response, Mr. Moore stated that it is a considerable distance. There is a drive that exists around to the back and it requires taking a very harrowing, curling drive to get to the meadow, which is probably 500 yards. It would require extensive work to create an actual roadway to the meadow before making a parking lot.

Mr. Ard asked Mr. Moore if he has to go through the BOA when he uses the subject property for overflow parking today. In response, Mr. Moore stated that what the museum has been doing is going through the Tulsa Police Department to get their clearance. The Tulsa Police Department allows the museum to use that lot because in their view it becomes a public hazard to have people parking on the streets in that area.

Mr. Ard asked staff if the museum should be going through the BOA to get a special exception for special event parking on the subject lot. In response, Mr. Alberty stated it would be the proper procedure. Mr. Ard stated that if the museum should be following that procedure, then Mr. Johnson should as well. By keeping the gate on the proposed plans seems to be encouraging Mr. Johnson to continue to break the rules. Mr. Moore stated that he is not as familiar with the rules in this case, but it not the intent of the museum to use Mr. Johnson's property for public parking, but for employees and volunteers only.

Ms. Cantees asked Mr. Moore if he had the funding for the proposed parking lot. In response, Mr. Moore answered affirmatively.

In response to Ms. Cantees, Mr. Moore stated that there doesn't have to be any kind of gate between Mr. Johnson's property and the proposed parking lot. It was only proposed at Mr. Johnson's request.

Ms. Cantees stated that she has a problem with parking on surfaces that are not designed for parking. In response, Mr. Moore stressed that the Johnson property is not a critical component. He is not asking for any access onto Mr. Johnson's property. Today he is requesting the ability to create an overflow parking lot that will be properly paved and properly zoned. Mr. Johnson has always been very nice to the museum and wants to make his property available if it is needed. If it is something that does not fall within the rules, then the museum wouldn't use it.

Mr. Jackson asked staff how this issue has been addressed in other neighborhoods. In response, Ms. Matthews stated that there are rules regarding screening and setbacks to protect neighborhoods when a parking lot is being proposed. The museum has a fence in place that has natural vegetation all over it and in this case she believes that PK zoning is probably as good a buffer as any. The museum doesn't plan to use it all of the time, but they do need it for overflow for special events. The lighting would have to follow the Kennebunkport Formula so that the source of the light could not be seen by someone on the next lot.

Mr. Jackson asked Mr. Moore if the budget is large enough to compensate for hooded lighting, the proper screening, landscaping and irrigation. In response, Mr. Moore answered affirmatively and stated that all these items are a part of the proposal. The lighting will be controlled by the museum's security monitor rooms and when the event is over the lighting will be turned off.

In response to Mr. Jackson, Mr. Moore stated that from the very beginning the museum has invited and encouraged the neighbors to be involved in the discussions regarding this parking lot. The museum took their input regarding their concerns and asked what could be done to make this plan acceptable to allow everyone to be good neighbors.

Mr. Jackson asked if the neighbors gave input and if they did it was utilized. In response, Mr. Moore answered affirmatively.

Ms. Bayles asked for more information regarding the letter from Mr. Johnson and if the Johnson property is currently being used for overflow or volunteers' and employees' parking. In response, Mr. Moore stated that Mr. Johnson's property is not currently being used for parking. Mr. Moore further stated that he can't remember the last time the lot was used for any sort of overflow function.

Ms. Bayles expressed concerns for the limited space and use of land on the Gilcrease property today and possibly they will have to grow up and not out. The museum should be an asset to the community, but not at the detriment of the neighborhood nor the museum. Ms. Bayles further expressed concerns with the car gate, noting she doesn't have a problem with the rezoning to PK, but she does with the sketch as drafted with the car gate.

Ms. Bayles asked Mr. Moore if it is true that City maintenance trucks park at the museum on Mondays, loading and unloading equipment on the subject property. If this is true, she has a problem because it should be for overflow parking only and not for ancillary uses when there is a parking lot available next to the loading dock, etc. In response, Mr. Moore stated that some of that activity has occurred without the museum's knowledge. He believes that the museum is now doing a better job of keeping that lot locked since it has been brought to their attention. Ms. Bayles asked if the museum would be willing to make provisions so that it is not used for non-museum uses at any time. In response, Mr. Moore answered affirmatively.

Mr. Bernard asked Mr. Moore if he would have a problem with the car gate to the south being removed in order for the approval of the PK zoning. In response, Mr. Moore stated that it would not cause the museum any concerns.

Mr. Boulden stated that the Planning Commission can't impose any conditions on straight zoning. There would be requirements for screening where the gate is and since a gate is not part of a screening fence it would be prohibited from there unless granted some relief from the screening fence requirement.

Mr. Carnes stated that it is obvious that the museum needs parking, but if this was done as a PUD then the Planning Commission could force the existing trees to stay. Under straight zoning the Planning Commission can't place any

requirements beyond the Zoning Code requirements for PK zoning. Mr. Carnes stated that he believes it would behoove the museum and the neighborhood for this to be done as a PUD with controls.

Mr. Alberty stated that he wanted to make the Planning Commission aware of what would be permitted under the PK zoning. There are certain conditions that must be met if it were to be zoned PK. Any property common to an R district has to have a six-foot screening fence and that is what Mr. Boulden was addressing. The south and the east would require a six-foot screening fence. The area that abuts a non-arterial street that is across from residential requires a minimum of a three-foot fence and the west side would also require a three-foot fence. The north side, because it is a non-arterial street, would also be required to have a minimum of ten percent landscaping. He commented that Mr. Carnes is correct, that if they want to submit a plan, there are two ways they can do it. They can go to the Board of Adjustment for approval of off-street parking as a Use Unit 5 and the BOA could restrict it to a specific plan, which the museum elected not to do. The other option would be to file a PUD.

Mr. Midget asked how long it would take to resubmit this as a PUD. In response, Mr. Alberty stated that it would be another application and it would basically take an additional 90 days.

Mr. Moore stated that there are no pressing issues and the museum is willing to do this in a manner that this Board feels is the best way to accomplish the project. He is not sure that feelings are going to change a great deal. The gate to Mr. Johnson's property is really a non-issue for the museum; however, neighborhood opposition to a parking lot in principle is not going to change because of a different process. Mr. Moore commented that he is assuming that the Planning Commission detected the opposition from at least two of the speakers.

After a lengthy discussion it was determined that this case should be continued to allow the applicant to decide whether they would like to make an application with the BOA or file a PUD along with the rezoning request for PK zoning.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to **CONTINUE** Z-7041 to 11/15/06.

Application No.: Z-7042

RS-3 to IL

Applicant: Donald L. Jernigan

(PD-9) (CD-2)

Location: East of southeast corner of West 41st Street and U.S. Highway 75

STAFF RECOMMENDATION:

Z-7036 September 6, 2006: The TMAPC recommended approval of a request to rezone a .66+ acre tract from RS-3 to IL for office/warehouse on property located on the southwest corner of West 39th Street and Highway 75 South. This case is in waiting to be transmitted to the City Council for final approval.

Z-6962 December 2004: All concurred in approval of a 4± acre tract from RS-3 to IL for light industrial uses located on the northeast corner of West 39th Street and South Tacoma Avenue.

Z-6692 May 1999: All concurred in approval of a request for rezoning a 1.08± acre tract of land from RS-3 to IM for a warehouse for roofing business located on the southwest corner of West 37th Place and South Elwood.

BOA-15093 April 6, 1989: The Board of Adjustment approved a variance of the 150' setback from an abutting R-District to permit an outdoor advertising sign on property located on the southeast corner of West 41st Street and U.S. Highway 75 and abutting the subject property to the west.

BOA-5163 September 14, 1966: The Board of Adjustment approved a special exception to allow a church on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately one acre in size and is located east of the southeast corner of West 41st Street and Highway 75. The property contains what appears to be a large-lot single-family residence used for storage, and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 41 st Street	Secondary arterial	100'	2 at that point

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

SURROUNDING AREA: The subject tract is abutted on the east by the Cherry Creek drainage way, zoned RS-3; on the north by a former landscape/design business, now being liquidated, zoned CS; to the northeast by the Cherry Creek

drainage way, zoned RS-3; on the south by a portion of the drainage way, the expressway and vacant land, zoned RS-3; and on the west by a single-family residential use (with a "for sale" sign in the yard), zoned IL. The general uses in the area are mixed industrial and automotive-related, with some apparently single-family residential interspersed. The area, judging from past rezoning requests and current usage, is clearly in transition and the District Plan (see below) encourages that.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 5, which the District Plan recognizes as a largely industrial area (Section 3.5). According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan by virtue of its location within a Special District.

STAFF RECOMMENDATION:

While staff can support the continued industrial transition of this area, its use as a site for a billboard seems inappropriate. U.S. Highway 75 is elevated at this point and any billboard on the subject property would have to be very high to be visible from that highway. Staff could support an application for a Planned Unit Development (PUD) if it met the criteria. Specifically, staff would be reviewing lighting, height of sign and placement on the lot. Staff recommends **DENIAL** of straight IL zoning.

TMAPC COMMENTS:

Mr. Ard asked staff if they are changing their recommendation for approval. In response, Ms. Matthews stated that she is willing to listen to the applicant's argument before changing the staff recommendation. The initial recommendation was based on the fact that there was a, perhaps vacant, single-family home next door to the subject property and staff couldn't see a billboard going in there.

Applicant's Comments:

William R. Grimm, 610 South Main, 74119, representing Don Jernigan, stated that Mr. Jernigan is the owner of Gemini Outdoor Advertising. His client currently holds a 20-year lease on the property that is immediately to the west of the subject site. That property is zoned IL and when he applied for his original sign application IL was appropriate for his intended use. Mr. Grimm indicated that his client currently has a Class A permit issued by the State of Oklahoma, which was issued in May 2006. After filing for his building permit for the site next to the subject site the Building Inspector inquired and determined that there was RS-3 zoning immediately on the subject site and denied the application. There is no current intended use for the subject site and there are two vacant homes on the subject site. The two houses have been vacant for some time. At one time one of the houses was used as an office for the CH-zoned property across the street.

Mr. Grimm stated that when his client made his application he incorrectly filed his request. His client's proposed use is to erect a billboard on the adjacent site and not on the subject site. His client doesn't intend to erect anything on the subject site. Immediately to the west is the IL property and then I-75 with an off-ramp. The proposed sign will be on the existing IL property is and it will be well within the State regulations. However, the problem is the residentially-zoned property, which is the subject site, and meeting the setbacks. He requests that the subject site be zoned IL and that there be no current intended use at this time. If there is any construction on the site at a later date, then a site plan would be submitted and apply for a permit.

TMAPC COMMENTS:

Mr. Bernard asked staff if they could approve this with the explanation Mr. Grimm has given. In response, Ms. Matthews stated that staff could agree with the IL zoning.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Jackson, Midget "aye"; no "nays"; none "abstaining"; Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of the IL zoning for Z-7042 per staff recommendation.

Legal Description for Z-7042:

Part of Lots 8, 9, 10, and 11, Block 3, Woodland View Park South, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at the northwesterly corner of said Lot 8; thence N 58°39'24" E along the northwesterly line thereof a distance of 12.77' to a point; thence S 54°02'05" E a distance of 439.38' to a point on the easterly line of said Lot 11; thence S 19°22'17" W along said easterly line a distance of 14.61' to the southeast corner of said Lot 11; thence S 89°59'40" W along the south line of Lots 11, 10 and 9 a distance of 361.26' to the southwest corner of said Lot 9; thence N 0°06'40" W along the east line of said Lots 9 and 8 a distance of 265.18' to the POB, the City of Tulsa, Tulsa County, State of Oklahoma, **From RS-3 (Residential Single Family High Density District) To OL (Office Low Intensity District).**

RECONSIDERATION OF Z-7020 PUBLIC HEARING

Application No.: Z-7020

AG to IL

Applicant: Robert Johnson

(PD-16) (CD-3)

Location: West of the southwest corner of East 56th Street North and North 145th Avenue East

STAFF RECOMMENDATION:

Z-6837 October 2001: All concurred in approval of rezoning a 155± acre tract from AG to IM/IH, located on the southeast corner of East 46th Street North and North Garnett Road (Highway 169 North) and southeast of subject property.

Z-6270 January 1990: A request for rezoning two tracts from IH to AG/IL. Tract A is .94± acres in size and located ¼ mile south of the southwest corner of East 56th Street North and North 145th East Avenue. Tract B is 20± acres in size and located on the southeast corner of East 56th Street North and North 137th East Avenue. Staff recommended AG for either tracts or IL in the alternative. All concurred in the approval of rezoning a Tract A to IL and Tract B to AG.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10± acres in size and is located west of the southwest corner East 56th Street North and North 145th Avenue East. The property is being used as a single-family residence and is zoned AG. The site is heavily wooded.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 56 th Street North	Secondary Arterial	100'	2 lanes

UTILITIES: The subject tract has no municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the east by a partially-burned stone barn, hay bales and vacant land zoned AG; on the north by vacant land, zoned AG; on the south by large-lot single-family residential uses and vacant land, zoned AG; and on the west by large-lot single-family residential uses, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Special District 2 – Industrial Uses. Plan policies (Section 3.2) call for mixed industrial-type uses due to its location near transportation facilities and existing industrial and related uses. Because of its

location within a Special District, the requested rezoning **may be found** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff has concerns about the conversion of this parcel into industrial uses. The existing mix of uses in the area raises questions of compatibility. The subject site lies in the middles of a section, rather than at a major intersection where it would be more compatible. East 56th Street North is a two-lane road with bar (borrow) ditches. It and North 145th East Avenue bear a great deal of industrial traffic in the form of large trucks hauling materials to and from the quarries and concrete plants in the area. On the north side of East 56th Street are single-family homes, zoned RS in the County. The subject property has only minimal frontage on East 56th Street North (through an access easement), and will be completely surrounded by vacant, heavily wooded land and large-lot single-family residential properties. For these reasons, staff cannot support the requested rezoning and therefore recommends **DENIAL** of IL zoning for Z-7020.

Exhibits submitted:

Photographs (Exhibit C-1), Timeline from Ms. Bayles (Exhibit C-2), and maps and aerials (Exhibit C-3).

Applicant's Comments:

Robert Johnson, 15807 East, Owasso, OK, submitted maps and an aerial map (Exhibit C-3). Mr. Johnson cited the surrounding uses and submitted photographs (Exhibit C-1) of several residential sites. Mr. Johnson described the vegetation for the subject property and surrounding properties. He indicated that the heavily-wooded property adjacent to the subject property would be a noise barrier. Mr. Johnson believes that his request would help prevent spot zoning in the subject area. Water and a septic sewer system are available on the subject property. Mr. Johnson reminded the Planning Commission that there are rock quarries in the subject area and trucks travel along the road, which he would use for access from a panhandle driveway to the subject property.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Johnson how far he is located from the rock quarries. Mr. Johnson indicated that he was $\frac{3}{4}$ mile to one mile away from the quarries. He further indicated that he doesn't feel the subject property vibrates from the activity at the quarries.

Mr. Midget out at 4:43 p.m.

INTERESTED PARTIES:

Fern Roberts, 6943 East Marshall Street, 74115, stated that she owns the property under application and she has never met Mr. Johnson. She further stated that she filed foreclosure on the subject property against Mr. Herring. Ms.

Roberts indicated that Mr. Herring had a contract to purchase the property, but he was behind on the payments and she filed foreclosure papers.

After a lengthy discussion regarding the ownership of the subject property, Mr. Carnes stated that the Planning Commission could not take action on property where there is an ownership dispute. Mr. Carnes recommended that this case be continued to allow the applicant and Ms. Roberts determine who is the owner of the subject property.

Mr. Boulden stated that he wouldn't recommend the Planning Commission take any action on this case until the dispute of ownership is settled.

Mr. Carnes out at 4:45 p.m.

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget, Wofford "absent") to **CONTINUE** Z-7020 to October 18, 2006.

* * * * *

OTHER BUSINESS:

Application No.: PUD-693

DETAIL SITE PLAN

Applicant: Tanner Consulting, LLC (PD-18) (CD-8)

Location: West of northwest corner of 91st Street South and South Yale Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for an office park development. The proposed use, Use Unit #11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-693.

The proposed office park meets minimum building and parking setbacks and complies with maximum permitted building height and floor area. Landscaped area provided meets minimum requirements and lighting complies with development standards per application of the Kennebunkport Formula and height restrictions. Sidewalks are proposed along East 89th Street South and East 91st Street South as required and the proposed bulk trash container is screened as required and meets minimum setbacks.

The Fire Marshal and Traffic Engineer have approved of there being no crash gate onto East 89th Street South and have approved of the access onto East 91st

Street South. Proposed cross-access from Southern Woods Park III to the adjacent Southern Woods Park I & II office development is contingent upon TMAPC approval of minor amendments PUD-355-B-4 and PUD-355-C-3 which, if approved, will allow parking spaces to be removed from that development to make way for the cross-access.

Detail of the required screening fence has been provided but is not located on the detail site or landscape plan. Screening is required on the north and west boundaries and on a portion of the south boundary. Trees of four inches or greater have been marked and are to be preserved as required by PUD-693 development standards.

Therefore, staff recommends **APPROVAL** of PUD-693 detail site plan for the Southern Woods Park II office development contingent upon (1) TMAPC approval of PUD-355-B-4 and PUD-355-C-3 and (2) provision of the screening fence as required on the north and west boundaries and portion of the south boundary.

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

Mr. Ard announced that he would be abstaining.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, TMAPC voted **5-0-1** (Bayles, Bernard, Cantees, Cantrell, Jackson "aye"; no "nays"; Ard "abstaining"; Carnes, Collins, Harmon, Midget, Wofford "absent") to **APPROVE** the detail site plan for PUD-693, subject to (1) TMAPC approval of PUD-355-B-4 and PUD-355-C-3 and (2) provision of the screening fence as required on the north and west boundaries and portion of the south boundary per staff recommendation.

Application No.: PUD-567-C

**DETAIL SITE PLAN
LANDSCAPE PLAN**

Applicant: John Measels, Greenberg Farrow (PD-18) (CD-7)

Location: Southeast corner of East 71st Street and South 109th Street

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new restaurant and retail building. The proposed uses, Use Unit #12, Eating Establishments Other Than Drive-Ins, and Use Unit 14, Shopping Goods and Services, are in conformance with Development Standards of PUD-567-C.

The proposed building complies with minimum setback requirements and maximum permitted floor area. Maximum permitted building height is 35 feet; the proposed building is 25 feet to the top of the parapet and 40 feet at the peak of the tower(s). Development standards permit architectural elements to exceed the permitted height upon TMAPC approval at detail site plan review.

The site as proposed meets minimum landscape requirements for net lot area and streetyards. However, the site does not provide the minimum five-foot landscaped strip as required by the zoning code along the entirety of the South 109th East Avenue frontage.

Proposed lighting exceeds the maximum height permitted by development standards. In addition, verification of compliance per application of the Kennebunkport Formula has not been provided.

Because the deficiency of the landscaped area along South 109th East Avenue should be easy to correct and because staff anticipates the applicant will provide a lighting plan in compliance with development standards, staff recommends **APPROVAL** of the PUD-567-C detail site plan subject to (1) provision of a minimum five-foot wide landscaped strip along the South 109th East Avenue frontage as required by the zoning code, and (2) an approved lighting plan in compliance with development standards, verified per application of the Kennebunkport Formula.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget, Wofford "absent") to **APPROVE** the detail site plan and landscape plan for PUD-567-C, subject to (1) provision of a minimum five-foot wide landscaped strip along the South 109th East Avenue frontage as required by the zoning code, and (2) an approved lighting plan in compliance with

development standards, verified per application of the Kennebunkport Formula per staff recommendation.

* * * * *

Application No.: PUD-677-A

DETAIL SITE PLAN/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 121st Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan and landscape plan for gated entries, perimeter walls and landscaping associated with the Crestwood At The River residential subdivision. The proposed accessory uses to the residential single-family subdivision, Use Unit 6, Residential Single-Family and customary accessory uses, are in conformance with Development Standards of PUD-677-A.

Design of the gated entry has been approved by the Fire Marshall and Traffic Engineer. All perimeter walls, gate support structures and landscaping are located outside of the 121st Street right-of-way. Lighting of the wall is within the limits of the zoning code.

Sidewalks are indicated along the 121st Street right-of-way. The applicant has included the following note regarding the sidewalks on the site plan:

Sidewalk along 121st Street will be built by developer or homeowners association at the time of improvement of 121st Street if not constructed as part of that project. TMAPC approved: March 15, 2006.

Per TMAPC minutes of the March 15, 2006 hearing, PUD-677-A was approved per staff recommendation "subject to the sidewalk in front of the subdivision (along 121st Street) being required after the widening and improving project is completed." (Staff recommended that sidewalks be installed on 121st Street.) Public Works has commented that sidewalks can and should be installed at the time Crestwood is developed because the sidewalks, if placed near the perimeter fences, can be avoided when 121st Street is improved. Furthermore, since it may be several years before 121st Street is improved, it will be difficult to enforce assessment of home owners' associations for monies to fund the sidewalks at that time.

It is staff's view of TMAPC's recommendation in tandem with Public Works' comment that the developer was never relieved of the requirement to install the sidewalks – only of the timing of installation; and since it is Public Work's opinion (and staff's) that the sidewalks should (and can) be installed regardless of timing of street widening, then the developer should be required to install them at the same time the gates and walls are built.

Therefore, staff recommends **APPROVAL** of PUD-677-A detail site and landscape plan of the gated entry and perimeter walls subject to removal of the sidewalk note.

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

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated there is no problem with the detail site plan and the entry gate and he agrees with the staff recommendation. Staff is bringing up the requirement of the sidewalk along 121st Street. He indicated that he put a note on his plans, which is what the approval was when the PUD was processed, which was that the sidewalk along 121st Street would be built at the time that 121st Street was improved. Right now 121st Street is borrow ditches and he remembers that Ms. Hill was very familiar with the subject area and knew that the ditches sit with water in them with no way to utilize the sidewalk. There are no sidewalks anywhere within one mile. He requests that the Planning Commission go along with the same approval that was given the PUD. Allow the sidewalk to be built when it is needed. The County recently finished a street improvement from the east boundary of the subject property to Memorial and they did not build any sidewalks. This would be very consistent with the County policy that was discussed last week during the Planning Commission worksession.

TMAPC COMMENTS:

Ms. Matthews stated that sidewalks can be put farther back on the property to prevent them from being disturbed when widening projects come in.

Mr. Ard stated that he has been to the subject area and there are no sidewalks installed.

Mr. Sack stated that there are no sidewalks and there are no plans for sidewalks. He further stated that the widening project for 121st may happen within the next two years. Building a sidewalk now is not appropriate and there is no place for the sidewalks to go and nobody to use them. If the sidewalks were up against the fence there would be no way to get to them without wading across the borrow ditch to get to the sidewalk to use it.

Mr. Alberty stated that he believes what has happened since the PUD came through is that the Planning Commission did grant a waiver and stated that they were not relieving Mr. Sack of the requirement and sidewalks do have to be built. Since that time, Public Works Engineers have stated that there is no problem with building the sidewalks now and that is the reason why staff has changed their position. Mr. Zachary stated that in his opinion, there would be no problem with installing the sidewalks in at this time. The practical problem is that when there is a developer who is developing a property, as soon as the lots are sold he is out of there and who would be responsible for building the sidewalk. Unless there is an opportunity for an escrow fund or something this would be difficult to enforce. The City does not have the provision to escrow the sidewalk. Based on discussions with Public Works Department, staff is requesting that the sidewalks be installed at this time.

Mr. Jackson stated that staff is only requesting sidewalks along 121st Street, which is probably about 400 lineal feet. In response, Mr. Sack stated that this would be for Crestwood I and Crestwood II, which would mean 500 feet across the frontage of Crestwood II. If the sidewalk could be deferred until the widening project and it could be adjacent to the street as they usually are and keep it from the fence. This could be made part of the covenants and the HOA would have to install the sidewalks.

Mr. Jackson asked Mr. Boulden if the City is able to force the HOA to install the sidewalks. In response, Mr. Boulden stated that a date certain can be set and if the HOA doesn't do this it would cause a lien put on their homes. The City would probably not enforce that.

Mr. Boulden stated that that the applicant refers to this as a sidewalk to nowhere and he doesn't understand what the widening of the road has to do with the timing of installing sidewalks because it would still be a sidewalk to nowhere. In response, Mr. Sack stated that normally during the widening project the sidewalk could be placed closer to the street and away from the fence. Once the widening project starts they would have to do something with the drainage. This is a flat area and the developer has had to create ponds to handle the runoff. Mr. Sack indicated that he has not had the opportunity to discuss this with Mr. Zachery.

Ms. Cantees stated that she is a big proponent of sidewalks, but she believes the Planning Commission would be treating Mr. Sack unfairly because a similar situation came up with the LaFortune Park and they were given relief. Ms. Cantees indicated that she will support Mr. Sack's request for a deferred time to install the sidewalks.

Mr. Jackson asked Mr. Sack how much time he is requesting. In response, Mr. Sack stated approximately five years. There may be some State funding in the next couple of years for the widening project.

Mr. Jackson moved to approve the detail site plan with a caveat that there be a five-year time limit to install the sidewalks by the Homeowners Association, subject to a provision in the covenants that the City can put a lien on the lot owners if the City has to install the sidewalks.

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, TMAPC voted **3-3-0** (Bayles, Cantees, Jackson "aye"; Ard, Bernard, Cantrell "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget Wofford "absent") to **APPROVE** the detail site plan for PUD-677-A per staff recommendation, subject to there being a five-year time limit to install the sidewalks by the homeowners association, subject to a provision in the covenants that the City can put a lien on the lot owners if the City has to install the sidewalks.

Mr. Bernard indicated that he intended to vote against this application and inadvertently raised his hand for approval and therefore the vote should be 3-3-0.

Mr. Ard stated that he thought that there was an agreement for why the sidewalks were not going in at this time, but now the City has stated that it is not an issue and so the sidewalks should go in now.

Mr. Jackson stated that the only reason he went along with it is because Mr. Sack stated that there would only be five feet difference in the screening fence and the borrow ditches. In Broken Arrow it doesn't matter because sidewalks are still going in whether there are borrow ditches or not. However, when Mr. Sack stated that the topography drops five feet he was willing to give him an extension of time.

Mr. Bernard stated that it would be inconsistent to not require the sidewalks and he believes that the Planning Commission should remain consistent. Mr. Sack is an engineer and he could figure a way to put the sidewalks in.

Ms. Cantrell stated that the reason she agreed with the LaFortune application is because she was led to believe that the sidewalks were already there. If the Planning Commission approves this because of the borrow ditches, then to stay consistent the Planning Commission would have to grant a waiver of sidewalks to everyone that has borrow ditches. She sees this application very different from the LaFortune application.

Mr. Bernard agreed with Ms. Cantrell's statement.

Mr. Jackson stated that in other municipalities this is not an issue; there will be sidewalks regardless if they do abut borrow ditches. There will need to be some typical sections to show how this would look like. There are not too many borrow ditches within the City and this is an unusual situation.

Mr. Alberty stated that there needs to be a new motion or reconsideration, because right now there is a stalemate.

Mr. Sack stated that no one would use the sidewalks for the next five years because there would be no way to get to it. It would be better to wait for the improvements.

Ms. Cantees stated that she believes that Public Works should attend these meetings to explain their position.

Mr. Ard asked what would be the enforcement for the five-year time frame. In response, Mr. Boulden stated that if there is a lien provision in the covenants, then the City would apply the liens to property owners after the time frame is over. Mr. Ard asked who would keep time on this and know when to file the liens. Mr. Boulden stated Public Works would probably keep track.

Ms. Cantees stated that homes couldn't be sold with liens on their properties.

Mr. Boulden stated that in reality the City will probably put in the sidewalks and the developer will get away from the costs. In his opinion, he believes that this is a way that the developer avoids the costs and responsibility.

Mark Bullock, 11122 South Yale, stated that he is the developer of the subject property. The property to the south is floodplain and on the east side is the City of Bixby. Mr. Bullock cited the surrounding properties and their zonings and uses. This is a gated community and no one can get in or out without being in their car. Who would use the sidewalk? He understands that sidewalks have to start at some time, but not on this project. Mr. Bullock cited the amount of money he has spent on stormwater drainage and getting the property ready for development.

Ms. Cantees asked Mr. Bullock if he could include the sidewalk issue in the covenants, where upon 80 percent of completion, they have to install the sidewalks. If it is not done then they have a lien put on their home.

Mr. Boulden stated that if he understands Mr. Bullock. He is stating that it is bad to install a sidewalk at all. In response, Mr. Bullock stated that he doesn't agree with that statement, but that it is poor timing. Mr. Boulden stated that this is the Planning Commission and they have to plan for the future. The reason there are no sidewalks is because they were not planned for and then not developed.

Mr. Bullock stated that this was approved in March and April and he has to have some standards to go by. He requested that the Planning Commission uphold the approvals in March and April. Mr. Bullock reminded the Planning Commission how much the stormwater detention costs him. He wants to comply

and he is asking the Planning Commission to approve or not and keep to that so he can plan for the future.

Mr. Bernard stated that his understanding in April was that he believed that sidewalks were going in with the redesigned intersection. In response, Mr. Bullock stated that there are no sidewalks there.

TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, TMAPC voted **5-1-0** (Ard, Bayles, Bernard, Cantees, Jackson "aye"; Cantrell "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget, Wofford "absent") to **APPROVE** the detail site plan for PUD-677-A per staff recommendation, subject to there be a five-year time limit to install the sidewalks by the Homeowners Association, subject to a provision in the covenants that the City can put a lien on the lot owners if the City has to install the sidewalks as modified by the Planning Commission.

Letter from Sack & Associates, Inc. requesting an amendment to the Major Street and Highway Plan designation for 31st Street between Harvard Avenue and Pittsburg Avenue from a secondary arterial to an urban arterial.

STAFF RECOMMENDATION:

Ms. Matthews stated that this would be sent to the Technical Advisory Committee to consider an amendment of the MSHP to change the designation of 31st Street from a secondary arterial to an urban arterial between Harvard Avenue and Pittsburg Avenue. Ms. Matthews stated that this has been informally deferred to the Transportation Department at INCOG.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, Tulsa, 74103, cited history of the classifications. He explained that this kind of situation has been encountered in the older parts of the City a number of times in the past. About six or eight years ago the classification of urban arterial was established to accommodate right-of-way requirements where existing improvements would prohibit the widening of a street or the imposition of a right-of-way required for a secondary arterial. A number of streets have been reclassified. There are a number of existing improvements that would prohibit the widening of 31st Street and if the TAC agrees, then a public hearing should be set for the Planning Commission to amend the MSHP. He indicated that he represents property owners on the north side where the lots are only 135 feet deep, and if another 15 feet of right-of-way is required, it would reduce it to virtually unusable depths of parcels.

TMAPC Action; 6 members present:

On **MOTION** of **BAYLES**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget, Wofford "absent") to **REQUEST** TAC to consider amending the Major Street and Highway Plan designation for 31st Street between Harvard Avenue and Pittsburg Avenue from a secondary arterial to an urban arterial.

* * * * *

Correction to statements made at 9/20/06 meeting on request for waiver of sidewalks by Tulsa County Parks Department.

STAFF RECOMMENDATION:

Ms. Matthews read the letter from A.J. Byer, Program Management Group (PMg), LLC, dated September 22, 2006. This letter is to correct a misstatement regarding existing sidewalks at the 9/20/06 meeting, which unfortunately do not exist. They have offered the following:

1. The Tulsa County Parks Department will install a temporary chat sidewalk/trail along the east side of the existing parking lot that will connect with the existing walking/jogging trail at the south and the new sidewalk to the north of the Tennis Center. This temporary sidewalk will be installed in conjunction with the construction of the Community Center and Library.
2. The Tulsa County Parks Department and PMg will work diligently to secure the necessary funds for a permanent concrete sidewalk to be installed within the next two years on either the east side or the west side of the parking lot to meet City of Tulsa standards. They anticipate that this section of sidewalk will be installed concurrently with the sidewalk at the Gardens area.

TMAPC COMMENTS:

Mr. Jackson stated that this is a step in the right direction.

Ms. Bayles indicated her appreciation their acknowledgement of their error and evaluation of the issue and proposal to correct.

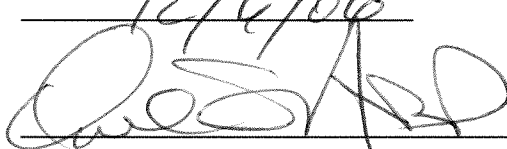
TMAPC Action; 6 members present:

On **MOTION** of **JACKSON**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Jackson "aye"; no "nays"; none "abstaining"; Carnes, Collins, Harmon, Midget, Wofford "absent") to **APPROVE** adding the letter dated September 22, 2006 from PMg to the record and that there shall be a temporary sidewalk in place.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 5:26 p.m.

Date Approved:

12/6/09


Chairman

ATTEST:



Secretary

