

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2463

Wednesday, November 1, 2006, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, October 31, 2006 at 9:35 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 1:30 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.

Mr. Ard asked Mr. Alberty how the zoning case for Mr. Johnsen (Z-7020) is progressing. In response, Mr. Alberty stated that this case was on the City Council agenda but it was stricken and he doesn't know if it will be handled at the City Council or referred back to the TMAPC.

Chairman's Report:

Mr. Bernard welcomed Mr. John Shivel to the Planning Commission. Mr. Shivel stated that he is delighted to have the opportunity to be here.

Mr. Bernard read a statement from staff regarding The Channels Project and their proposed meeting dates.

COMPREHENSIVE PLAN PUBLIC HEARING

Proposed amendments to District One Plan Map and Text to reflect the adoption of the Downtown Linkages Study (Resolution 2453:879)

STAFF RECOMMENDATION:

Ms. Matthews stated that the Planning Commission has received a couple of briefings on the Linkages Study and this is simply to incorporate it into the District 1 Plan. The Linkages Study realigns the maps and reconfigures them. Staff is proposing to reflect those changes and replace the identity areas with the development districts (Map D). Staff requests that the Planning Commission adopt Maps A through E as part of the District 1 Plan. The maps deal with linkages, communication, pedestrian access, landscaping streets, etc. Staff believes that the new arena, the Bartlett Square Fountain and the Civic Center should be shown as well.

Ms. Matthews described the text changes as follows:

RESOLUTION NO.: 2463:879

A RESOLUTION AMENDING THE DISTRICT ONE PLAN MAP AND TEXT, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 10th day of October, 1980 this Commission, by Resolution No. 1332:524, did adopt the District One Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 1st day of November, 2006, and after due study and deliberation, this Commission deems it advisable and in

keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District One Plan Text by adding and/or amending text as follows.

Plan text: As set forth in Exhibit A, attached a made a part hereto.

Plan map: Change all of the existing Identity Area designations to reflect Development Districts (existing and potential) as delineated on Map D of the Vision 2025 Downtown Linkages study.

Adopt Maps A-E as part of the District One Plan.

Show new arena, Bartlett Square and fountain and Civic Center on map.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District One Plan Text, as above set out, be and are hereby adopted as part of the District One Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

**EXHIBIT A
PROPOSED AMENDMENTS TO DISTRICT ONE (DOWNTOWN) MASTER
PLAN TEXT**

September 7, 2006

Text:

Delete all of existing items in 3. Specific Areas; insert Downtown Linkage Study references, pages 9-25 of the study as new Section 3.

Change all other existing references to Identity Areas and Opportunity Sites to Development Districts. (Pages 1-3 and 1-15).

Insert as introduction to new Item 3 Section, "The Downtown Linkages Study was developed by a large group of stakeholders in the area, including property owners, institutional representatives, businesses, civic and fraternal organizations and government. The downtown area is the governmental center of the City of Tulsa, as well as the location of many businesses, churches and agencies.

The TMAPC cannot legally or legislatively be responsible for implementation of many of the provisions of the Downtown Linkages Study; however, the TMAPC may be in a role of reviewing proposed capital projects for conformance with the Comprehensive Plan, as may be recommended herein. Some provisions must be implemented by other government entities, while others will require private and/or nonprofit groups' participation. By approving this Study (pages 9-25) as part of the

District One Plan, the TMAPC recognizes that the policies are in keeping with the overall goals of the Comprehensive Plan and are supporting efforts to implement that Plan.”

On page 1-14, change references to the Brady Village to the Brady Arts District, reflecting the new Development District designation on Map D. Note that specific references to The Brady Village Infill Development Design Guidelines should remain and the design guidelines remain in place.

On page 1-17, delete item 5.2.7, as the bus transfer station has been completed.

On page 1-18, delete item 5.3.11, as portions of South Boston have been converted to a two-way four-lane street and the Downtown Linkages Study addresses street conversion in more detail.

On page 1-19, delete item 5.4.5. The Downtown Linkages Study addresses gateways to River Parks from District One (Southwest Boulevard, Denver Avenue and Boulder Avenue); Houston Avenue is no longer planned to be a gateway.

On page 1-20, item 6.3.4, change reference to University Center at Tulsa to OSU-Tulsa. Change reference to Tulsa Junior College to Tulsa Community College to reflect new names.

On page 1-21, delete item 6.4.3, as the David L. Moss Criminal Justice Center has been completed and is in use.

Add a recommendation that the City consider adopting incentive-type zoning approaches in the upcoming Comprehensive Plan and Zoning Code amendments.

TMAPC COMMENTS:

Mr. Carnes asked if everything that is recommended is in the resolution. In response, Ms. Matthews answered affirmatively.

Mr. Ard asked for more information regarding the incentive plan. In response, Ms. Matthews stated that there are several ways to go about it, and basically most of the Central Business District is zoned CBD, so the Planning Commission is left without a tool. Perhaps other cities have incentives worth looking at or through TIF districts. The appropriate arena for this is when the Plan is updated and the Zoning Code is looked at for updates.

Mr. Carnes asked Mr. Norton if he is in agreement with the resolution and exhibits. In response, Mr. Norton answered affirmatively. In response, Mr.

Norton stated that Ms. Matthews has kept him well informed and he is in agreement with the staff recommendation.

Mr. Bernard asked Mr. Norton if he had any comments. In response, Mr. Norton stated that the maps that were submitted at the Planning Commission worksession have been modified and new maps will be given to Ms. Matthews.

Mr. Carnes moved to adopt the District One (Downtown) Master Plan update as presented by Dane Matthews and as submitted.

Mr. Ard seconded.

Mr. Midget stated that the Planning Commission has heard this and he is sure that Mr. Norton and Ms. Paige have a lot to do as well, but for the viewers it might be nice to give them an opportunity to have a brief overview.

Mr. Norton presented a brief presentation of the Linkages Plan.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of the proposed amendments to the District One Plan Map and Text to reflect the adoption of the Downtown Linkages Study (Resolution 2453:879) per staff recommendation.

Mr. Bernard stated that there are several requests for continuance:

PLAT WAIVERS:

PUD-93 - (9335)

(PD 18) (CD 7)

Northwest of the northwest corner of East 61st Street South and Memorial Drive (**request continuance to November 15, 2006 meeting to accomplish TAC recommendations**)

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **ARD**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **CONTINUE** the plat waiver for PUD-93 to November 15, 2006.

Oklahoma Oncology – (9430)

(PD 18) (CD 6)

Southwest corner of East 48th Street South and Garnett Road (**request continuance to December 6, 2006 to facilitate the processing of a minor amendment to a PUD**)

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **ARD**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **CONTINUE** the preliminary plat for Oklahoma Oncology to December 6, 2006.

Tulsa Technology Center-Lemley Campus – (9323)

(PD 17) (CD 5)

3420 South Memorial Drive (**continuance requested to November 15, 2006 to facilitate further TAC review**)

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **CONTINUE** the preliminary plat for Tulsa Technology Center Lemley Campus to November 15, 2006.

Application No.: PUD-595-B/Z-5970-SP-5

**MAJOR AMENDMENT
CORRIDOR SITE PLAN**

Applicant: Sisemore Weisz & Assoc.

(PD-18c) (CD-8)

Location: 6611 South 101st East Avenue

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **CONTINUE** the major amendment for PUD-595-B and the Corridor Site Plan for Z-5970-SP-5 to December 6, 2006.

Application No.: Z-4900-SP-6

CORRIDOR SITE PLAN

Applicant: R.L. Reynolds

(PD-18c) (CD-8)

Location: 9901 East 73rd Street (Withdrawn by the applicant)

Withdrawn by the applicant.

Application No.: PUD-712-1

MINOR AMENDMENT

Applicant: Roy Johnsen

(PD-17) (CD-6)

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

Continue for new notice.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **CONTINUE** the minor amendment for PUD-712-1 to November 15, 2006.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-20008 – Mark Johnson (7401)

(County)

12630 South 193rd East Avenue

STAFF RECOMMENDATION:

The applicant has applied to split a five-acre tract into two parcels. Both proposed tracts meet the AG zoning bulk and area requirements.

South 193rd East Avenue is designated as a primary arterial on the Major Street and Highway Plan (MSHP) requiring 120' right-of-way, 60' on either side of the center line. The applicant's existing dwelling is 69' from the center line of 193rd East Avenue. The application received prior approval on September 27, 2006, subject to the required 60' right-of-way being given to Tulsa County. Since that time, the applicant has requested a waiver of the Subdivision Regulations requiring that the full right-of-way be given.

The County Engineering office has requested the 60' right-of-way as required by the MSHP. The County Engineers and the Technical Advisory Committee, at their October 19, 2006, meeting, indicated that they could support a partial waiver of the Subdivision Regulations in the amount of ten feet (50' instead of 60' total dedication) in front of the existing dwelling, on the condition that the full 60' be given on the remainder of the property.

Staff recommends **DENIAL** of the waiver of Subdivision Regulations. However, if the Planning Commission is inclined to approve a waiver, staff recommends waiving ten feet of the right-of-way beginning 20' north of and extending to 20' south of the existing dwelling, for a total of 50' of right-of-way, on the condition that the full 60' of right-of-way be given to Tulsa County on the remainder of the property.

TMAPC COMMENTS:

Mr. Boulden asked if the ten feet is shaved off it would be five feet on either side of the centerline. In response, Ms. Chronister stated that it would be the full ten feet on the applicant's side. It would be 60 feet from the centerline of the street, beginning at the north of the subject property down to within 20 feet north of the house and then come within ten feet on the west side of the centerline and then down 50 feet to 20 feet south of the house and expand out back to 60 feet.

Mr. Ard stated that he understands that the house is very close to the street. Is staff concerned about creating a jagged cutout on the right-of-way? In response, Ms. Chronister stated that she understands that if the full 60 feet of right-of-way is given and if the street in front of the house were made into a five-lane street,

then about 34 feet would actually be paved and the balance would be for utilities, etc.

Mr. Ard asked if it is 34 feet of paving on 60 feet, it would still be 34 feet of paving on 50 feet in front of the house. In response, Ms. Chronister answered affirmatively. Mr. Ard asked if the utilities easement would have to be narrowed. In response, Ms. Chronister stated that she believes that would be true.

Applicant's Comments:

Mark Johnson, 12630 South 193rd East Avenue, Broken Arrow, Oklahoma 74014, stated that he initiated the lot-split so that he could sell 2.5 acres in order to raise funds. The 60-foot right-of-way is too close to the house and no one would want to live there if the road was widened any further. It is difficult to get out of his driveway because the road is busy. The subject house has been there since the 1960s. He commented that in the 12 years he has lived there, 193rd East Avenue has become a super-highway due to speed and traffic. He indicated that there have been two wrecks that have ended in his yard within 20 to 60 feet near his home.

Mr. Johnson stated that he is not in favor of the alternative proposal of ten feet being waived. He commented that he could grant the 30 feet and he has already signed a 30-foot waiver to the City of Broken Arrow to put in water. A ten-foot waiver would make the house too close to the road and would be dangerous to live there. He requested that the Planning Commission grant him the lot-split and have the full 60 feet on the part that is being splitting off because no dwelling exists, but on the existing property and home he would prefer to have the right-of-way moved back to 30 feet. If 193rd is ever widened then he would negotiate it at that time. Mr. Johnson feels that he would devalue his home if he dedicated the right-of-way requested.

Mr. Ard asked Mr. Johnson if he understands that this is a designated as a primary arterial and the right-of-way has to be given. In response, Mr. Johnson stated that he understands that. He has no qualms about 60 feet except that he has to give it up basically at no charge to the County for the lot-split. Mr. Johnson believes it is wrong that he would have to eat the cost to rebuild or move his home in order to dedicate the needed right-of-way.

Mr. Midget stated that he can appreciate Mr. Johnson's request, but it puts the Planning Commission in a real dilemma as stewards to the public. There are some concerns about public expenditures to position you, for your own good, to better negotiate with the County. The question before the Planning Commission is whether or not to pull the waiver or not. It is not the Planning Commission's position to help this applicant better position himself to negotiate with the County.

Mr. Boulden asked Mr. Johnson if his home is on a slab. In response, Mr. Johnson stated that it is on a free foundation and it could be moved. Mr.

Johnson further stated the subject house was moved to the subject land from the airport back in the 1960's. Mr. Boulden asked Mr. Johnson if he knew of any plans to widen the road in the near future. In response, Mr. Johnson stated that he has heard that some day it will be widened, but he has lived there 12 years and has never heard a time or proposed date.

Mr. Boulden asked Mr. Johnson where the nearest point is where the road does widen. In response, Mr. Johnson stated that it is two-lane between 121st and 131st. It doesn't become four lanes until it enters the City of Broken Arrow.

Mr. Carnes stated that the compromise does put a burden on the property owner, but it will not take place until the road is widened. He would not feel comfortable giving up anything more than the ten feet of right-of-way.

Mr. Johnson stated that he understands the Planning Commission's point of view and he fully agrees that 193rd East Avenue should be widened someday. However, he doesn't want to basically lose his own personal value to make it happen. The comment that it wouldn't become a burden until the road is widened is not exactly correct. If he decides to sell the property before the road is widened, the purchaser would know that the pavement of the road would be 34 feet from the house and in his opinion it wouldn't sell.

Mr. Bernard asked Mr. Johnson if he would prefer the Planning Commission to deny the waiver and leave things as they are today. In response, Mr. Johnson stated that what he would prefer is to have the waiver extended to 30 feet instead of 50 feet. He has already signed the 30 feet over to the City of Broken Arrow for their waterline. If the pavement comes too close to the dwelling, then the property value is gone.

Mr. Ard stated that he understands the applicant's position, but he doesn't believe that the Planning Commission can hamper the future ability of the County to develop that street. Mr. Ard further stated that he would agree with Mr. Carnes.

Ms. Cantrell stated that she would agree with Mr. Carnes as well. If the Planning Commission modified this case to give the applicant what he wants, then anybody with similar situations would want the same treatment. The Planning Commission can't disregard the rules.

Mr. Bernard stated that he is in agreement with Mr. Carnes, too.

In response to Mr. Bernard, Mr. Alberty stated that the application has been submitted for a waiver and he has a previous prior approval lot-split, but conditioned upon that prior approval was that the applicant would have to dedicate the entire 60 feet. The denial of this application would revert to the previous prior approval, which states that if the applicant wants to split the lot he

would have to dedicate the right-of-way. If the applicant doesn't want to dedicate the right-of-way, then the lot-split shouldn't have been requested.

Mr. Johnson stated that he wasn't aware when he applied for the lot-split that he would have to give 60 feet of right-of-way, which was his fault and his ignorance. When Ms. Chronister informed him that the lot-split was approved with the dedication, then he realized he couldn't do that.

Mr. Johnson stated that he would like to respond to a comment that Ms. Cantrell stated. If the City wanted to widen the road today with the lot existing as it is today, then the County would have to negotiate with him and there is no way he would just give it to the County without some sort of compensation to either move or do something with the house since it would be too close to the road. If the 30 feet is waived today, then it doesn't hamper the County from widening the road later. At that point the County would have to negotiate with either him or whoever owns the subject property at that time for the extra 30 feet.

Ms. Cantrell stated that the applicant has asked to do something to his land that actually improves the value of his land by splitting it, so he is really coming to the County as well and this is the negotiating tool that the County provides. The applicant doesn't have to do anything to his land and when the County is ready to improve the road, then they would have to go to the existing owner of the land if they want the 60 feet.

Mr. Johnson stated that basically, in his mind, if the Planning Commission were to waive 30 feet now, then someday the County would have to negotiate with him. To demand it now is to ask him to basically give away his home in order to obtain the lot-split. He commented that the reason he was doing the lot-split was to raise funds and this requirement destroys his goal. He concluded that he can't go forward with the lot-split with the 50 or 60 feet.

Mr. Midget asked Mr. Johnson if he is withdrawing the lot-split. In response, Mr. Johnson stated that he would withdraw the lot-split request.

Mr. Boulden recommended that the Planning Commission deny this waiver and let the applicant withdraw his lot-split administratively.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **DENY** the of the waiver of Subdivision Regulations for L-20008.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-20024 – Sack and Associates (9429) (PD 17) (CD 6)
12222 East State Farm Boulevard

L-20025 – Sack and Associates (8334) (PD 16) (CD 8)
11911 South Kingston

L-20027 – Performance Title (7408) (County)
13135 South 121st East Avenue

L-20028 – Alberta Loveall (9003) (County)
207 South 221st West Avenue

L-20030 – Larry Turner (7225) (County)
16204 South Peoria

STAFF RECOMMENDATION:

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

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, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining" Bayles, Cantees, Collins, Harmon, Wofford "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

LOT-COMBINATIONS FOR RATIFICATION OF PRIOR APPROVAL:

LC-29 – Randall Baber (9222) (PD 9) (CD 2)
1720 West 37th Place

LC-31 – Jim Coleman (9006) (County)
425 South 257th West Avenue

STAFF RECOMMENDATION:

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

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **ARD** the TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **RATIFY** these lot-combinations given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

Mr. Ard announced that he would be abstaining from the following item:

FINAL PLAT:

Southern Woods Park III – (8316) (PD 18) (CD 8)

West of the northwest corner of East 91st Street South and Yale Avenue

STAFF RECOMMENDATION:

This plat consists of ten lots in one block on 4.8 acres.

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

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **5-0-1** (Bernard, Cantrell, Carnes Midget, Shivel "aye"; no "nays"; Ard "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **APPROVE** the final plat for Southern Woods Park III per staff recommendation.

The Crossing at 86th Street Phase II – (1326) (County)

East of the southeast corner of 86th Street North and North Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 30 lots in five blocks on 26.5 acres.

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

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **APPROVE** the final plat for The Crossing at 86th Street Phase II per staff recommendation.

PRELIMINARY PLAT:

Polson Industrial Park – (9232) (County)

5555 South 65th West Avenue (north of northeast corner of West 56th Street South and 65th West Avenue)

STAFF RECOMMENDATION:

This plat consists of 21 lots, four blocks, on 64 acres.

The following issues were discussed October 19, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL/AG. The plat has been revised to assure a buffer to the nearby school.
2. **Streets:** In the dedication to the public, Section I, change "...streets" to "...Street Rights-of-way". Sidewalks are recommended per County requirement. Complete the location map, including the proposed Gilcrease Expressway. Must show record references for existing right-of-way dedications. Legal description must match bearings and distances on face of plat Delete "General" from section IA subheading.
3. **Sewer:** Contact Taneha Utility Authority at 224-4868.
4. **Water:** A looped waterline extension is required.
5. **Storm Drainage:** The "stormwater detention facility" is in "Reserve D", and should be labeled as such. Please place elevations on the contour lines. Off-site drainage flowing onto this site must be conveyed in an overland drainage easement, or piped in a storm sewer system which must be in a utility or storm sewer easement. Please use standard language for Section IE. Numerous portions of that standard language are absent. Please revise Section IC to contain the standard language for water mains, storm sewer and sanitary sewer services. Include standard language for the stormwater drainage easements. Add the conceptual stormwater drainage system plan.

6. **Utilities: PSO, Telephone, ONG, Cable:** No comment.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.

GIS: Subdivision Regulations require that the plat be prepared by a Registered Land Surveyor, with name, address, phone number, e-mail address and CA number (with renewal date) shown on the face of the plat. Designate the three small tracts adjacent to the school as one or more "reserves" shown on the face of the plat. Designate the three small tracts adjacent to the school as one or more "reserves" with appropriate language for maintenance, etc.

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.

TMAPC COMMENTS:

Mr. Ard asked staff how far east the AG zoning is from the school land. In response, Mrs. Fernandez stated that she believes it is 75 feet. It is a buffer between the school and the industrial uses. Mr. Ard asked if any activity such as parking trucks, having gravel or storage materials, etc. occurs on the property. In response, Mrs. Fernandez stated that the applicant is shaking his head in agreement, but the Zoning Code may allow for one thing. However, the covenants for this particular addition only allow landscaping and open space. Those three reserves are spelled out per the plat in the covenants and they do not allow industrial types of uses.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Mr. and Mrs. Polson, stated that this property was zoned in the late 1980's for industrial except for a strip around the adjoining Jane Addams Elementary School. In that AG strip it would be a violation of the zoning ordinance to use it for anything other than open space, recreation (perhaps) and theoretically, there could be grazing or crops since it is zoned AG. The AG strip cannot be used for industrial purposes, including parking of vehicles or storage yards.

Mr. Johnsen explained that there is the AG strip for a buffer and the street was rerouted after discussing the school's concerns. Mr. Polson recognizes that the school is a good neighbor and he has met with them and redesigned his layout. He client has committed to continue dialogue with the school. Mr. Johnson concluded that the concept is to recognize the school, maintain a buffer area and there will be no use for it except open space, which will be a part of the covenants.

TMAPC COMMENTS:

Mr. Ard commended Mr. Johnsen and Mr. Polson for working with the school on this project. He asked if "open space" means that there will be no gravel yard area on the AG buffer and it will remain in a natural vegetation state. In response, Mr. Johnsen stated that academically he doesn't believe putting gravel down would be a prohibition, but it would be if it became a place to park any sort of vehicle. There would be no reason to put gravel on the AG property. Mr. Johnsen read the restrictive covenants, which require the AG property to remain open space and landscaped.

Mr. Midget asked Mr. Johnsen if the pedestrian walkway that the school is concerned about will continue to be looked at and addressed as the project is developed. In response, Mr. Johnsen stated that it would and there is a sidewalk on 65th, which may need to be enhanced. His client will follow the County Engineer's requirements.

Mr. Johnsen stated that Mr. Alberty had a suggestion that the covenants include the 125 feet of AG with the same restrictions. Mr. Ard asked if that would be the west 125 feet of Lots 1 and 2, Block 2. In response, Mr. Johnsen answered affirmatively.

INTERESTED PARTIES:

Carolyn Moore, Principal Of Addams Elementary, 5323 South 65th West Avenue, Tulsa, Oklahoma 74107, stated that she wanted to thank Mr. Polson and Mr. Johnsen for their cooperation and understanding and working through the problems and concerns that she had for the safety of the children. She indicated that she still has a concern for the safety of the children on 65th West Avenue and she was glad to hear that perhaps a traffic light or something that would keep the intersection safe for the children to cross. Ms. Moore stated that she is happy that the applicant is moving the road further south. She commented that she is sure the County would help out since this is out of the city limits.

Ms. Moore stated that she is very happy that the buffer zone is to stay in a natural state, which happens to fit into a project that is going on at Addams to establish an outdoor classroom in a short-grass prairie. In that area she would like to establish this outdoor classroom to enhance the campus and to be able to provide a place for other students in Tulsa Public Schools and surrounding schools to come visit to see what it was like in a short-grass prairie.

TMAPC COMMENTS:

Mr. Bernard asked staff whom Ms. Moore should contact within the County to help with the school crossing. In response, Mr. Alberty stated that Ms. Moore should start with her County Commissioner and the Commissioner would direct her in the area that can help her.

Mr. Ard suggested that Ms. Moore talk with the County about speed humps on 55th that comes out of the development in order to slow the traffic. Mr. Ard stated that there is no verbiage about the AG buffer remaining in a natural state, just open space and he advised Ms. Moore to speak with Mr. Polson about that.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of the preliminary plat for Polson Industrial Park per staff recommendation, subject to the west 125 feet of Lots 1 & 2, Block 2 having similar language as Areas A, B & C.

* * * * *

ZONING PUBLIC HEARING

Application No.: PUD-641-A

MAJOR AMENDMENT

Applicant: Peter Kavanaugh – Zone Systems, Inc.

(PD-18) (CD-7)

Location: 6800 South Granite Avenue

STAFF RECOMMENDATION:

PUD-641 November 2000: All concurred in approval of a Planned Unit Development on a 56+ acre tract to permit a retirement development including single-family, apartment, assisted living facility, elderly/retirement housing and nursing home uses subject to conditions and modifications by staff and TMAPC, on the subject property.

PUD-190-F December 1996: All concurred in approval of a proposed major amendment to the original PUD-190 to change the permitted use on a 30-acre tract located on the southwest corner of East 71st Street South and Lakewood Avenue and south of the subject property, from office use to an elderly assisted living center.

Z-6380 January 1993: All concurred in approval of a request to rezone a ten-acre tract located east of the northeast corner of East 71st Street South and South Canton Avenue and west of the subject property, from AG to OL for a telephone switching and administration building.

BOA-16113 August 11, 1992: The Board of Adjustment approved a Special Exception to permit hospital use (Use Unit 5) in an OL/RS-3 zoned district per plan submitted and with conditions on subject property.

PUD-435-A July 1988: All concurred in approval of a major amendment to PUD-435 for the following changes and additions. To relocate a public service substation within the PUD tract; to increase the hospital floor area from the initially-approved 150,000 square feet to 200,000 square feet; to increase the allowable height for hospital buildings to three stories; to allow the stormwater detention area on the property to be constructed in phases with the final phase being a permanent lake area and for an internal setback between the hospital and doctors office buildings.

PUD-435 January 1988: All concurred in approval of the request to rezone approximately 71 acres located on the southeast corner of East 66th Street South and South Yale Avenue from OM, OL and RS-3 to PUD for the development of a hospital and medical complex with the southeast portion of the PUD for single-family development.

BOA-13249 August 9, 1984: The Board of Adjustment approved a Variance of the building height requirements of 1-story to permit 2-stories in an OL district subject to the applicant returning with a site plan on subject property.

PUD-246-A November 1983: All concurred in approval of a proposed Planned Unit Development on a 5.43+ acre tract of land from the originally approved PUD for office use to increase floor area and reduce required parking ratio on property located west of South Granite Avenue and north of East 71st Street, and abutting the subject property to the west.

PUD-263-A January 1983: All concurred in approval of a major amendment to the original PUD-263 which approved an office park on a seven-acre tract located east of the northeast corner of East 71st Street and South Granite Avenue and abutting the subject tract on the southwest, to a 178-unit multifamily development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 50± acres in size and is located north and west of the northwest corner of East 71st Street South and South Sheridan Road. The property contains Montereau Retirement Home, and is zoned OL/RS-3/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 71 st Street	Primary Arterial	120'	n/a

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

SURROUNDING AREA: The subject tract is abutted on the north by vacant RS-3 zoned property; on the east by vacant OL property and a multifamily development zoned RS-3/PUD-239; and on the west by vacant RS-3 and OL property, a tract zoned OL/PUD-246-A that has been approved for office uses and by multifamily uses zoned OL/PUD-263-A. To the south across 71st Street are multifamily uses zoned PUD-190-B-D-E and an elderly assisted living center zoned RS-3/PUD-190-F.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity – Linear Development area on the southern 1,200 feet and Low Intensity – No Specific Land Use on the remainder and there are Development Sensitive contours within the entire tract.

STAFF RECOMMENDATION:

PUD 641 was approved November 30, 2000 for the development of a continuing care retirement community (Development Area 'A') and office park (Development Area 'B'). The proposed amendment to permit a cellular communication antenna and support equipment, Use Unit 4, affects Development Area "A", only.

The applicant proposes to install a stealth antenna with support equipment within a false cupola on top of the east wing of the elderly housing building (Building #4). The proposed cupola for the antenna will match architecturally with two existing cupolas on the six-story building. Although the antenna and support equipment are proposed within a residential district, it will be set back more than 110% of its overall height from any other residential uses abutting the PUD.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD 641-A 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 stands of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-641-A subject to the following conditions:

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

Development Area A:

PERMITTED USES:

In addition to those uses permitted per PUD-641, Antenna and Supporting Structure as provided within Use Unit 4, Public Protection and Utility Facilities shall be permitted.

MAXIMUM HEIGHT:

85 FT

USE CONDITIONS:

As provided per Section 1204.C.3, Public Protection and Utility Facilities/Use Conditions, and other applicable sections of the Zoning Code.

3. 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.
4. No Zoning Clearance Permit shall be issued for the antenna and support equipment until a Revised Detail Site Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
6. Except as above modified, the development standards of PUD 641 as amended, shall remain applicable.

TAC Comments from October 5, 2006:

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: No comments.

LRTP: 71st Street South, between Sheridan Road and Yale Avenue, existing six lanes.

TMP: No comments.

Transit: Currently, Tulsa Transit operates an existing route on 71st Street South, between Sheridan Road and Yale Avenue. 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:

Peter Kavanaugh, 1620 Haudley, Suite A, Dallas, Texas 75208, representing Verizon Wireless, stated that he is in agreement with the staff recommendation. He explained that when there is a structure available to his client they will put their antennas in the structure. In this case his client is adding to the structure and the cupola will look like the others.

Mr. Kavanaugh stated that Mr. and Mrs. Lynch live in the subject building and they have some concerns and he would like to go on the record as to how they will address those concerns. The antennas are tested for RF emissions right after they are installed. His client has agreed to provide the results of that test, which is a common test performed, to Mr. and Mrs. Lynch.

TMAPC COMMENTS:

Mr. Ard asked what type of damage could be suffered from RF emissions. In response, Mr. Kavanaugh stated that they are not a concern to the Planning Commission because of the Telecommunications Act states that cities cannot use health as an issue in making decisions on mobile telephone antennas. However, for any kind of equipment that emits any kind of radio frequency, one has to be careful that it doesn't cause harm to people around it. His client is doing this and cautious to meet all Federal Communication Standards and any other Federal Standards that are appropriate to meet in this business.

Mr. Bernard stated that relatively speaking these antennas have very low power. In response, Mr. Kavanaugh stated that it is extremely low power, which talks out about three quarters of a mile or one mile away. A "ham" radio operation can talk to Mexico and Canada and is putting out a larger amount of power than the antennas.

Mr. Bernard asked if the communication tower is directional. In response, Mr. Kavanaugh answered affirmatively. Anyone down below the tower wouldn't be receiving the RF emission.

INTERESTED PARTIES:

Tom and Dorothy Lynch, 6800 South Granite Avenue, 74136, residents of Montereau, stated that he has come from Europe to live in a residence where he would have no fears. He indicated that he doesn't have any fears about this cell

tower, but he does have concerns because he has been involved in RF emissions.

Mr. and Mrs. Lynch explained how they worked in the industry for 60 years and saw what happens with radar emissions and radio wave emissions. They expressed their concerns of RF emissions. Mrs. Lynch shared a story about how these waves are dangerous, although she has no proof to back this up. She indicated that a scientist and doctor from the Vatican stated that the waves are harmful.

TMAPC COMMENTS:

Mr. Shivel stated that he can understand Mr. Lynch's concern about this proposal. He explained that he does have a military background and he knows that the types of radars that Mr. Lynch are talking about are very highly directional and very powerful because they are expected to go out to 100 to 150 miles in front or to the side of the aircraft. The key issue today is the experience that Verizon has had in previous installations and studies that have been conducted as a result of those installations that would potentially assuage any concerns. In response, Mr. Lynch stated that this is a fair comment.

Mr. Lynch asked if Verizon has proven that this tower is safe. If they have proof that this is safe, he would like to see the proof.

Mr. Bernard asked Mr. Lynch where in the building he resides. In response, Mr. Lynch stated that he lives on the fourth floor to the left of the proposed tower. Mr. Bernard pointed out that there are three more floors and a roofline above the Lynch's apartment. The antennas are directional and do not aim downward at all. Mr. Bernard stated that he doubts that the Lynches would get any more radiation from the proposed tower than they would get driving down the street near another cell tower anywhere in town they would happen to be driving by. In response, Mr. Lynch stated that he agrees that it is directional, but directional doesn't mean a narrow beam, but more like a balloon.

Mr. Midget asked Legal if it is true that the Planning Commission is limited in using health reasons as a means of regulating this land use. In response, Mr. Boulden stated that he believes that is the case. Mr. Midget asked if Mr. Lynch's recourse would be to file a complaint with the FCC regarding his concerns. In response, Mr. Boulden answered affirmative. Mr. Boulden stated that the Planning Commission doesn't have any authority in this area and must defer to the Federal Communications Commission for regulation of these kinds of communications.

Mr. Lynch stated that he understands that he can't speak of ill health with this proposed tower because it is a Federal law. He didn't bring health up, but he did bring up the question of liability, which is a legal point.

Mr. Midget informed Mr. Lynch that the Planning Commission can't address the liability or safety factors. The Planning Commission can only address land use issues and can't give legal opinions.

Applicant's Rebuttal:

Mr. Kavanaugh stated that he discussed these issues with Mr. and Mrs. Lynch previously before the meeting. There is a test that Verizon performs and he has agreed to provide a copy of the test to Mr. and Mrs. Lynch and should answer their questions.

TMAPC COMMENTS:

Ms. Cantrell asked if this would be problematic putting the cell tower within a residential building since it is supposed to have 110% setback from a residential district. In response, Mr. Boulden stated that it wouldn't be a problem since it is within a PUD.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of the major amendment for PUD-641-A per staff recommendation.

Legal Description for PUD-641-A:

Lot 1, Block 1, Montereau In Warren Woods, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **FROM RS-3/OL/PUD (Residential Single-family District/Office Low Intensity District/ Planned Unit Development [PUD-641]) TO RS-3/OL/PUD (Residential Single-family District/Office Low Intensity District/ Planned Unit Development [PUD-641-A]).**

Application No.: PUD-734

RS-1 TO PUD

Applicant: Sisemore Weisz & Associates, Inc.

(PD-26) (CD-8)

Location: 10305 South Louisville Avenue (East 103rd Place and South Louisville Avenue)

STAFF RECOMMENDATION:

PUD-714-A January 2006: All concurred in approval of a Major Amendment to PUD to add property to the existing PUD on property located south of the southwest corner of East 101st Street and South Harvard.

Z-6982/PUD-714 March 2005: All concurred in approval of a request to rezone a 40+ acre tract from AG to RS-3/PUD for residential development on property located south of the southwest corner of East 101st and South Harvard.

PUD-426 May 1987: All concurred in approval of a Planned Unit Development on a 42.5+ acre tract for a single family development with private streets located on 102nd Street South and the west side of Louisville and abutting the subject property to the west.

PUD-376 October 1984: All concurred in approval of a Planned Unit Development on a 12.1+ acre tract for a single-family development on property located on the southwest corner of 101st Street South and South Louisville Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately five acres in size and is located south of the southeast corner of East 101st Street South and South Louisville Avenue. The property is zoned RS-1 with an existing single-family residence located in the center of the property.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Louisville Avenue	Residential Collector	60'	two

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential zoned RS-1; on the north by single-family residential zoned RS-1; on the south by single-family residential zoned RS-1; and on the west by single family residential zoned RS-1.

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 being Low-Intensity, Development Sensitive. According to the Zoning Matrix, the requested development is **in accord** with the Comprehensive Plan.

STAFF RECOMMENDATION:

PUD 734 is proposed as a twelve-lot single-family residential development on the east side of South Louisville Avenue just south of East 103rd Place South. The property is zoned RS-1 and presently has an existing single-family home located upon it in the central portion of the site which will be removed prior to development. Abutting and adjacent developed properties are also zoned RS-1 with Shady Oaks Estates II platted in 1974 located to the north and east, Chelsea Pond and Block 4, Chelsea Pond platted in 1987 and 1990, respectively, located

to the west on the west side of South Louisville Avenue. On the south side of the subject property are unplatted, developed single-family residential properties.

Proposed access to the development will be by East 103rd Place South, a private gated street gaining access from South Louisville Avenue. Sidewalks are proposed along South Louisville Avenue but not internally along East 103rd Place South as is required by Subdivision Regulations.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-734 as modified by staff, 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 Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-734 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:**

GROSS LAND AREA:	5 AC	
NET LAND AREA:	4.77 AC	207,763 SF

PERMITTED USES:
Use Unit 6, Single-Family Dwelling Units, and accessory buildings and uses.

MINIMUM LOT WIDTH: 50 FT*

**As measured at the building setback line for lots fronting on cul-de-sacs. All other lots shall maintain a minimum lot width of 90'.*

MINIMUM LOT AREA: 10,000 SF

MAXIMUM ALLOWABLE SINGLE-FAMILY LOTS: 13

MAXIMUM PROPOSED SINGLE-FAMILY LOTS: 12

MAXIMUM BUILDING HEIGHT: 35 FT*

Heights of chimneys, cupolas, or other architectural structures may exceed 35 feet in height as allowed per Section 208 of the City of Tulsa zoning code.

MINIMUM LIVABILITY SPACE PER LOT: 5,500 SF

MINIMUM BUILDING AND STRUCTURE SETBACKS:

From the S. Louisville Ave. right-of-way limits	25 feet
From E. 103 rd Place S. (private street) right-of-way limits	30 feet
From side lot lines of all lots	Five feet from one side lot line, 10' from opposite side lot line
From rear lot lines	25 feet

OFF-STREET PARKING: Per Tulsa zoning code requirements

SIDEWALKS:

Sidewalks shall be required along the east side of South Louisville Avenue and along both sides of East 103rd Place South in accord with subdivision regulations. Sidewalks along East 103rd Place South shall be placed in a reserve area or sidewalk easement.

3. Perimeter walls, landscaping, gates or signage shall not be permitted in the public right-of-way.
4. One identification sign shall be permitted at the South Louisville Avenue street entrance not to exceed a maximum of 60 square feet.
5. 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.
6. 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.

7. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses, sidewalks or other commonly owned structures within the PUD.
8. All private roadways shall have a minimum right-of-way of 30' and have a minimum pavement width of 26' for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
9. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
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. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
13. 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 October 19, 2006:

General: No comment.

Water: A looped water main extension is required.

Fire: Fire Chief shall approve the installation of security gates across a fire apparatus access road. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

Stormwater: The width of the U/E on the northeast corner of the property does not appear to be wide enough. The centerline of the storm sewer pipe is required to be a minimum of 7.5 feet from the edge of the easement and there must be at least ten

feet of horizontal clearance between the sanitary sewer and the storm sewer.

Wastewater: Sanitary sewer access must be provided to all lots within the subdivision.

Transportation: Recommend sidewalks on all the residential and collector streets as required by Subdivision Regulations.

Traffic: Include construction standards for the private street in the PUD Development Standards. Include standard language for maintenance of the private street.

GIS: No comment.

County Engineer: No comment.

MSHP: Recommend sidewalks on Louisville and East 103rd Place South, per subdivision regulations.

LRTP: East 101st Street South, between South Harvard Ave and South Yale Avenue, planned four lanes.

TMP: No Comment.

Transit: No existing or future plans for this location.

TMAPC COMMENTS:

Mr. Ard stated that looking at the plat it looks as though a majority of the lots are 100 feet wide. He expressed concerns that the guidelines are almost at RS-3 standards. He realizes that they can only do approximately 12 lots. In response, Ms. Matthews stated that the applicant meets all of the development standards of the PUD.

The applicant indicated his agreement with staff's recommendation.

Mr. Ard addressed his concerns about the size of the lots. He doesn't believe the proposed lots conform to the surrounding area.

Applicant's Comments:

Darin Akerman, Sisemore, Weisz and Associates, 6111 East 32nd Place, Tulsa, Oklahoma 74135, representing Ron Spencer, stated that the actual RS-1 zoning has standards like any of the other residential districts. The proposed lots are 14,000 plus square feet, which is beyond the RS-1 requirements. The RS-3 standards are for a 6,900 SF lot, which is half the size of the proposed lots. It is a much more dense type of development and there may be 25 lots. He explained that he is keeping the same zoning (RS-1) that all of the other properties around have and there will be 12 lots. The proposed lots will have 100 feet of frontage and there are one or two lots in the cul-de-sac area that will have smaller frontage at the building line, but will still have 14,000 SF. Under the PUD format, the frontage requirements are being modified on some of the lots, but some lots are larger than the minimum requirements.

TMAPC COMMENTS:

Mr. Ard stated that the 50-foot minimum lots are directed at the lots on the cul-de-sac. In response, Mr. Akerman stated that this is correct and it is actually in

the development standards of the report for Lots 6 and 7 per the concept plan. Lot 6 probably has about 75 feet of frontage actually.

In response to Mr. Ard, Mr. Akerman stated that the actual building setback is 35 feet for arterial roadways and possibly commercial as well, but he believes it is 25 feet for internal streets within the subdivision.

In response to Mr. Ard, Ms. Matthews stated that this is only a conceptual plan and the applicant will have to come back through various stages that follow as part of the PUD process. The applicant will have to plat and the Planning Commission will see the landscape plan, sign plan, lighting plan, etc. Per the standards, the minimum lot area on each one of the lots is 10,000 SF, which is within the RS-1 zoning.

Mr. Akerman stated that as part of the staff recommendation, his client has agreed to put in the sidewalks within the subdivision.

Mr. Bernard read an email from Doug and Augustine Ivins who are objecting to this issue. They voice concerns about the development causing additional crowding and congestion. Mr. and Mrs. Ivins would prefer that the lot remain zoned for a single-family home (Exhibit A-1).

Mr. Midget stated that this is another classic infill development and he would hope that the Planning Commission would continue to be flexible and open to new infill concepts such as this. It is desirable to find new ways to encourage people to move back into the City of Tulsa. There are no large areas of developable land in City of Tulsa. There is a need to be flexible in order to encourage infill development, especially if that infill development is not injurious to the neighborhood.

Mr. Midget moved to approve this application.

Mr. Carnes seconded.

Ms. Cantrell stated that she did have concerns at first, but after reading the staff recommendation, it seems that the lots fall between RS-1 and RS-2, which she doesn't have a problem with. She asked Mr. Ard which part he believed looked like an RS-3. In response, Mr. Ard stated that the standard allowed five feet on one side and ten feet on the other side for the building setback. Mr. Ard further stated that after hearing the comments from the other Planning Commission members and the developer, he is in agreement with this proposal.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to recommend **APPROVAL** of PUD-734 per staff recommendation.

Legal Description for PUD-734:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 SW/4 NE/4 NW/4) OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 13 EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF **From RS-1 (Residential Single Family Low Density District) To RS-1/PUD (Residential Single Family Low Density District /Planned Unit Development [PUD-734]).**

OTHER BUSINESS:

Application No.: PUD-579-A

DETAIL SITE PLAN

Applicant: Tanner Consulting, LLC

(PD-18) (CD-8)

Location: 8014 South 101st East Avenue

STAFF RECOMMENDATION:

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

The proposed building complies with maximum permitted floor area, land coverage and height restrictions and exceeds minimum requirements for landscaped street yard and lot area. Proposed parking and parking lot lighting are in compliance with design standards per the zoning code and development standards.

Therefore, staff recommends **APPROVAL** of PUD-579-A detail site plan for the Haywood Office Building.

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

The applicant was not present.

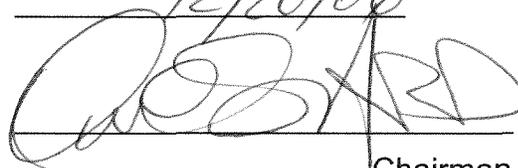
There were no interested parties wishing to speak.

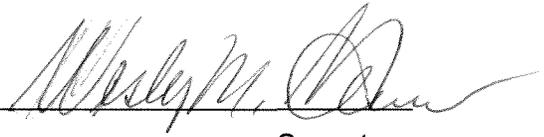
TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Bernard, Cantrell, Carnes, Midget, Shivel "aye"; no "nays"; none "abstaining"; Bayles, Cantees, Collins, Harmon, Wofford "absent") to **APPROVE** the detail site plan for PUD-579-A – Haywood Office Building per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 3:01 p.m.

Date Approved:

12/20/06

Chairman

ATTEST: 
Secretary

