

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2467

Wednesday, January 3, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 28, 2006 at 3:05 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:59 p.m.

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

REPORTS:

Chairman's Report:

Mr. Ard reported that Mr. Carnes has agreed to serve on the Transportation Policy Committee, filling Michael Bernard's position.

Mr. Ard reported that Ms. Bayles requested that a copy of the Work Programs be provided to the members, which staff provided.

Mr. Ard reported that the Planning Commission has changed the agenda process and will have a consent agenda at the beginning of each meeting. Mr. Ard explained the process of the consent agenda. The consent agenda is a tool to help move the meeting forward and more efficient.

Worksession Report:

Mr. Ard reported that the worksession last week was very informative and thanked staff.

Ms. Bayles stated that there will be a training session at Tulsa Engineering and Planning and all Planning Commissioners have been invited to attend. This will be held Wednesday, January 10, 2007, at 3:00 p.m.

Ms. Bayles thanked Ms. Huntsinger for the change in the agenda and her attention she has given to the agenda.

Director's Report:

Mr. Alberty reported that due to the LEAN office training for the staff the Land Development Services portion of INCOG will be closed this Friday, January 5, 2006. Any of the Planning Commissioners that wish to attend this training, please feel welcome and let Barbara know. The training will be held at the Tulsa Technology Center, Lemley Campus, from 8:00 a.m. to 4:30 p.m.

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

Mr. Alberty announced that there will be another training session on January 24, 2007, which will be a luncheon training time from 11:00 a.m. to 1:00 p.m. This month there will be someone from Development Services to discuss drainage policies and requirements of the City of Tulsa.

Mr. Alberty stated that staff has provided the Work Program list. The list will be completed and sent to the City by the end of this month and all comments and suggestions by the Planning Commission should be made as soon as possible.

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Mr. Ard announced that there have been several items requesting a continuance:

Shipley Subdivision – (8305) – Preliminary Plat (PD-18) (CD-2)

6336 South Harvard (continued from 12/6/06 meeting for City Council review of PUD standards and another continuance is requested to 1/17/07 to allow for City Council review of PUD standards)

STAFF RECOMMENDATION:

Mr. Alberty stated that the reason for the continuance is because it has not been presented to the City Council. Platting of the property would be the subsequent step and staff is waiting until the City Council acts on the application. Staff is suggesting January 17, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantrell, Cantees Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **CONTINUE** the preliminary plat for Shipley Subdivision to January 17, 2007.

Application No.: PUD-625-4/Z-6735-SP-1d

**MINOR AMENDMENT
CORRIDOR SITE PLAN**

Applicant: Sisemore Weisz & Assoc.

(PD-18c) (CD-8)

Location: East of the southeast corner of South Mingo Road and East 81st Street South

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant is requesting a continuance to January 17, 2007 in order to fine tune their design.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantrell, Cantees Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **CONTINUE** the minor amendment and corridor site plan for PUD-625-4/Z-6735-SP-1d to January 17, 2007.

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 East Avenue

STAFF RECOMMENDATION:

The applicant's attorney has requested a continuance to January 17, 2007.

Applicant was not present.

TMAPC COMMENTS:

Mr. Ard stated that this item has been continued numerous times. Mr. Ard opened the floor for any comments.

Ms. Cantrell stated that she doesn't have a problem with continuing this case once more with the caveat that they are aware that this is the last time it will be continued.

Staff stated that this application was recommended for denial to the City Council and appealed. Since August there has been ample opportunity to reconfigure the application. Five months have past and staff hasn't seen anything at this time. This is an interior tract of land without access to an arterial street. If and when the applicant is able to acquire some additional property, it will require a new application to be filed. Today, what is before the Planning Commission is a request from the City Council to reconsider the previous motion to deny the rezoning.

TMAPC Action; 6 members present:

On **MOTION** of **BAYLES**, TMAPC voted **6-0-0** (Ard, Bayles, Cantrell, Cantees Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **CONTINUE** Z-7020 to January 17, 2007, noting that this is the final continuance.

Ms. Bayles requested that the minutes not be included in the consent agenda so that she can abstain from the meeting she did not attend.

Minutes:

Approval of the minutes of November 15, 2006 Meeting No. 2464

On **MOTION** of **HARMON**, the TMAPC voted 5-1-0 (Ard, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; Bayles "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **APPROVE** the minutes of the meeting of November 15, 2006, Meeting No. 2464.

Minutes:

Approval of the minutes of December 6, 2006 Meeting No. 2465

On **MOTION** of **HARMON**, the TMAPC voted 6-0-0 (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **APPROVE** the minutes of the meeting of December 6, 2006, Meeting No. 2465.

CONSENT AGENDA:

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may; however, remove an item by request.

C. **Mingo Crossing – (2325)/Final Plat** (County)

North of northwest corner of East 136th Street North and 97th East Avenue (Mingo Road)

STAFF RECOMMENDATION:

This plat consists of 31 lots in two blocks on 20.68 acres.

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

D. **First Amended Declaration of Covenants and Restrictions** (PD-6) (CD-5)
(portions of Yorkshire Estates) – PUD
514-A - (9322)

STAFF RECOMMENDATION:

Applicant has proposed a revised first amended declaration of covenants and restrictions for Yorkshire Estates (PUD-514-A).

E. **PUD-307-B – Michael Jordan/Detail Site Plan** (PD-18a) (CD-2)

2021 East 71st Street South (Detail site plan for a new pool pavilion associated with Camp Shalom campus.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new pool pavilion associated with the Camp Shalom campus. The proposed use, Use Unit 5, Community Services and Similar Uses (customary and accessory thereto), is in conformance with Development Standards of PUD-307-B.

The proposed pavilion is to replace the existing pool house and meets setbacks, minimum landscaped area requirements, and lighting and parking restrictions.

Therefore, staff recommends **APPROVAL** of PUD-307-B detail site plan as proposed.

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

F. **PUD-684-A – Tanner Consulting, LLC/Detail Site Plan** (PD-18a) (CD-2)

West of the southwest corner East 81st South and South Lewis Avenue (Detail site plan for a gated entry for a mini-storage use.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a gated entry for a mini-storage use. The proposed gated entry has been approved by the Traffic Engineer and Fire Marshal.

Therefore, staff recommends **APPROVAL** of PUD-684-A detail site plan for the gated entry as proposed.

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

G. **PUD-370-B – Brad Lechtenberger/Detail Site Plan** (PD-26) (CD-8)

Northwest corner of 106th Street South and South Memorial Drive (Detail site plan for a new 7,352 square foot restaurant.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new 7,352 square foot restaurant. The proposed use, Use Unit 12, Eating Establishments Other than Drive-Ins, is in conformance with Development Standards of PUD-370-B.

The site plan complies with building setback, height and floor area restrictions and meets minimum landscape requirements. Proposed site lighting complies with development standards and the zoning code. Upon TMAPC approval of related lot combination, LC-037, parking will also comply with development standards and the zoning code.

Therefore, staff recommends **APPROVAL** of PUD-370-B detail site plan for the restaurant subject to TMAPC approval of related lot combination LC-037.

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

TMAPC COMMENTS:

The Planning Commission considered the consent agenda

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **BAYLES**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **APPROVE** the consent agenda Items 5.C. through 5.G. per staff recommendation.

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PUBLIC HEARING

Home Center Amended – (8406) – Preliminary Plat

(PD-18) (CD-8)

6611 South 101st East Avenue

STAFF RECOMMENDATION:

This plat consists of ten lots, one block, on 37 acres.

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

1. **Zoning:** The property is zoned PUD 595 B/CO-Z-5970-SP-5. All conditions of the zoning must be met and shown in the restrictive covenants.
2. **Streets:** Confirm and document the status of the proposed right-of-way vacation adjacent to the north. Recommend pulling the mutual access easement on Lot 8 away from the property line to eliminate any implied access to the adjacent service alley (Mathis). Traffic concurs with the construction standards presented for the private streets. Review the location and design of the service drive onto 101st East Avenue, as it may encroach the intersection of 66th Street and 101st East Avenue and any relocation could possibly impact the detention design. Sidewalks are required on public and private street frontages. Include a note on face of plat stating sidewalks are to be constructed accordingly. Sidewalk easements need to be included on both sides of East 67th Street South. Sidewalk Easement paragraph needs to be modified to include the additional easement areas noted above. Use correct street names.
3. **Sewer:** No comment.
4. **Water:** A 20 foot waterline easement is needed on the west side of south 104th East Avenue from East 68th Street South. Meters and addresses must be coordinated through public works. Do not put waterline between Lots 6 and 7. Provide connection details for new fire hydrants.

5. **Storm Drainage:** Storm sewer easements, shown as “vacated” on the face of plat, must be finalized and the recording references included on the plat. The northwest entrance into this subdivision should not encroach on the stormwater detention reserve. Please redesign the limits of this reserve to accommodate this. Please check the City of Tulsa easement width criteria for the larger diameter storm sewer pipes. The 15-foot easement widths for these pipes may need to be increased.
6. **Utilities: Telephone, PSO, ONG, Cable and ONG:** needs easements vacated and relocated.
7. **Other: Fire:** Verify the location of the right-of-way for 66th Street in relation to the northwest corner of Lot 1, especially the southwest corner. Sidewalks are needed throughout the addition and per the PUD and CO requirements. Show all lot dimensions on the face of the 100 scale plat in the final plat submittal. Label the highway right-of-way.

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. ~~A request to waive the sidewalk requirement may be received after the agenda is prepared.~~

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.

Mrs. Fernandez indicated that the waiver for the sidewalk requirements is no longer needed.

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 **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **APPROVE** the preliminary plat for Home Center Amended, subject to special conditions and standard conditions per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

Stonegate II – (9425) – Preliminary Plat

(PD-17) (CD-6)

North and east of the northeast corner of East 51st
Street and 177th East Avenue

STAFF RECOMMENDATION:

This plat consists of 133 lots, eight blocks, on 30 acres.

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

1. **Zoning:** The property is zoned RS-3. Show square footages per lot.
2. **Streets:** Relocate the stub street in block 1 further west in order to reduce the long, straight 950-foot block along East 46th Street to a reasonable length of 600 to 700 feet. Please use one name for the Home Owners' Association consistently in Section III A I and A 2 B and also III F. Provide for an adequate transition on 185th East Avenue at 48th Place. (A symmetric transition from 60 to 50 feet may require less right-of-way than non-symmetric.) PFPI plans submitted for review may need revision pending acceptance by adjoining developers of Traffic's recommended changes in street layout, i.e., moving the northern leg of South 184th East Avenue to the west. Include note stating sidewalks are to be constructed on all streets. Include standard language for sidewalk construction.
3. **Sewer:** Reserve C is not shown as a utility easement. Therefore, back lot easements adjacent to the Reserve must be 17.5 feet wide instead of 11 feet wide. Add dimensions for all existing easements on the face of the plat. Add an easement with a minimum width of 15 feet for the sanitary sewer along the east side of Lot 13 Block 3. In Reserve A, a pool house and a swimming pool are not allowed to encroach on a utility easement. Add an 11-foot utility easement along the south line of the Reserve, or increase the back lot easement for Lots 1-3, Block 8 to a 17.5-foot easement. Do not locate fire hydrants over sanitary sewer lines. Maintain the ten-foot separation required for water and sewer lines. Engineering wastewater design comments that the Stone Creek Farms Lift Station must be complete and flow diverted to the lift station before the new lines are tied into the southeast corner of the development.
4. **Water:** Add language in Reserve A for water main crossing. Provide blow-off hydrants at each dead end line. Move water service lines away from storm water easement on Lots 7 and 8, Block 1 and Lot 13, Block 3. Change alignment of water line on South 185th East Avenue to east side of street. Move fire hydrant to property line of Lots 12 and 13 on East 48th Place South.

5. **Storm Drainage:** Add exact plat name and number to the label for existing Reserve C. Add a legend to define the abbreviations and different lines being used on the face of plat. If the Homeowners in this subdivision will share maintenance responsibilities for the overland drainage easement and the stormwater detention facility in existing Reserve C of the neighboring plat and homeowners' association, then the standard language for both of them, along with their prorated responsibility, must be added to the Covenants. Recommend removal or labeling of the crop circles, or whatever they are.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements may be needed.
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. The Cul-de-sac on 48th Street shall have a 52 foot radius. Add dimension arrows to visually clarify the dimensions and bearings for both points-of-beginning. Square footage for each lot must be shown. Ownership declaration with legal description and dedications need to be under their appropriate section headings.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

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

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WWTC-2 – (0432) – Preliminary Plat

(PD-16) (CD-6)

1006 North 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 9.5 acres.

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

1. **Zoning:** The property is zoned IL. A sidewalk waiver request should be submitted in writing with a site plan and reason for the waiver.
2. **Streets:** No comment.
3. **Sewer:** Add language to the covenants requiring the owners to disconnect from the Aerobic sewer system and connect to the City of Tulsa sewer main within 90 days of it becoming available for connection.
4. **Water:** No comment.
5. **Storm Drainage:** The extra limits of the "City of Tulsa Eagle Creek Regulatory Floodplain" must be plotted on the face of plat by using the 100-year water surface elevations across the site. The overland drainage easement for that floodplain must include the floodplain plus a minimum of an additional 20 feet outside and adjacent to the limits of the floodplain. The leaders from the label for the overland drainage easement must extend to touch the easement boundary line.
6. **Utilities: Telephone, PSO, ONG, and Cable:** Okay.
7. **Other: Fire:** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life saving or fire fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. Provide a Knox Box or padlock on the yard gates. Show the approved building setback lines on all four sides. The encroachment of the current building setback line on the north needs to be resolved. Location map needs to be correct. Add a meets and bounds description showing the bearing and distance of the boundary after the legal description.

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. A sidewalk waiver is being requested. A site plan and letter requesting the waiver will be forwarded to the planning commission as soon as possible after they are submitted (anticipated after agenda preparation).

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.

Mrs. Fernandez stated that the applicant has requested a sidewalk waiver. Mrs. Fernandez indicated that staff does not recommend a sidewalk waiver.

Applicant's Comments:

Mike Marrara, Harden & Associates Surveying, 2001 South 114th East Avenue, 74128, stated that North 129th East Avenue, which fronts the subject property, is essentially a two-lane road with drainage ditches on each side. He commented that 129th East Avenue is higher than the subject property towards the south end of the subject property. Mr. Marrara didn't think it would be likely that anyone would utilize the sidewalk since there are no sidewalks in the immediate area. He cited the surrounding uses and properties. The subject property would not have a retail or walk-in business and he doesn't believe that the use would increase the pedestrian load.

TMAPC COMMENTS:

Mr. Harmon stated that the topography can be addressed and it doesn't preclude sidewalks. Mr. Harmon asked Mr. Marrara what his basic reason is for not putting a sidewalk in. In response, Mr. Marrara stated that it is cost issue. The \$16,000.00 that it would require to put a sidewalk in could be used to make the property look better. He does believe the sidewalk could be constructed, but he doesn't believe it would be utilized.

Mr. Harmon stated that good planning looks ten to fifteen years into the future and in that length of time perhaps the AG-zoned property would have a subdivision or a new Bass Pro shop down on I-244 and then there would be a need for a sidewalk. In response, Mr. Marrara agreed that it could be possible. Mr. Harmon recognized that today there are no sidewalks in the subject area, but the Planning Commission has to think in terms of what it will look like in the future and what could develop along the subject area. Mr. Harmon commented that he doesn't recall waiving the sidewalks for the church across the street and asked Mr. Marrara if he is suggesting that sidewalks were not required for the church property. In response, Mr. Marrara stated that the subject property was platted in 2005 and he was not involved in that project.

Mr. Harmon moved for approval of staff recommendations on the preliminary plat, but also he would deny the sidewalk waiver.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **APPROVE** the preliminary plat for WWTC-2, subject to special conditions and standard conditions and **DENY** the request for a sidewalk waiver per staff recommendation.

Application No.: PUD-392-A

MAJOR AMENDMENT

Applicant: Tulsa Engineering & Planning

(PD-17) (CD-6)

Location: North of northwest corner of East 11th Street and South 123rd East Avenue

STAFF RECOMMENDATION:

Z-6958 December 2004: All concurred in approval of a request to rezone a 9.23± acre tract from RS-3/OL to CO for commercial use located north of northwest corner of East 11th Street and South 123rd East Avenue.

Z-6520 January 1996: All concurred in approval of a request to rezone a tract located on the northwest corner of East 7th Street and South 123rd East Avenue from RS-3 and OM to CS for commercial uses.

Z-6480/PUD-539 August 1995: Approval was granted for a request to rezone a tract located between East 7th Street and East 11th Street and east of South 123rd East Avenue, east of the subject property, from RM-1, RS-3, RS-2, and CS to PUD-539 for a proposed commercial development allowing boat sales, and a mini-storage.

PUD-392 May 1985: All concurred in approval of a proposed Planned Unit Development a 3.74± acre tract of land for commercial use, with conditions, on property located west of the northwest corner of East 11th Street and 123rd East Avenue and the subject property.

BOA-9749 November 17, 1977: The Board of Adjustment approve a Special Exception to permit a premix donut distribution plant in a CS and CH District for the Daylight Donut Company on property located west of the northwest corner of East 11th Street and 123rd East Avenue and abutting west of subject property.

BOA-7684 November 2, 1972: The Board of Adjustment approved a Special Exception to permit off-street parking in an RS-2 District to be used by the Lowrance Electronics Building on property located north and west of 11th Street and 123rd East Avenue.

BOA-7561 August 3, 1972: The Board of Adjustment approved a Special Exception to permit light manufacturing and industrial uses having light or no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration in a CH District Restricted to the uses listing in Use Unit 25 on property located and a part of Lowrance Electronics.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.18± acres in size and is located west of northwest corner South 123rd Avenue East and East 11th Street. The property appears to be vacant, and is zoned CS/PUD-392.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 11 th Street	Secondary Arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by commercial use, zoned CS/PUD; on the north by some parking but mostly vacant land, zoned CO; on the south by a school, zoned RS-3 and on the west by vacant land, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity – No Specific land use/Corridor.

STAFF RECOMMENDATION:

The applicant is proposing to amend PUD 392 for the purpose of abandoning that portion of the PUD located in Lot 1, Block 1, Eleven Trade Center (Plat No. 4601). The tract is currently being used as off-street parking for Lowrance Electronics, Incorporated, located at 12000 East Skelly Drive.

Underlying zoning of PUD 392, including the subject tract, is CS – Commercial Shopping. The original PUD allows those uses permitted by right in the CS district, excluding bars, taverns, nightclubs, liquor stores, pool halls and video game parlors. Upon abandonment from PUD 392 the subject tract would revert to use conditions per underlying CS zoning. At this time Lowrance Electronics has no desire to develop the parcel for commercial but instead intends to continue using the tract for overflow off-street parking.

With abandonment of the subject tract from PUD 392, gross land area in the PUD will be reduced from 4.59 acres to 2.54 acres. The original PUD allowed a floor area ratio of 27.5%. In keeping with that ratio, maximum permitted floor

area for the remaining portion of PUD 392 would be 30,426.66 square feet. Existing buildings within the remaining portion of PUD 392 comprise 20,235 square feet.

The tract to be abandoned from PUD 392 is part of an overall development/redevelopment and expansion plan for Lowrance Electronics which includes a new corridor site plan (Z-6958-SP-2) for the adjacent tract to the north and a tract with CH zoning adjoining the west boundary of corridor site plan Z-6958-SP-2 per Exhibit B, 'Overall Site Plan'. Lowrance Electronics intends to re-plat the subject tract as part of Lot 1, Block 1, Lowrance Electronics in keeping with their 'Overall Site Plan'.

Staff finds the proposed abandonment/amendment to be appropriate per the applicant's 'Overall Site Plan' and, therefore, recommends **APPROVAL** of PUD 392-A as proposed.

TAC Comments from 12/21/06:

General: No comment.

Water: No comment.

House Numbering: No comment.

Fire: No comment.

Stormwater: No comment.

Wastewater: No comment.

Transportation: No comment.

Traffic: No comment.

GIS: No comment.

County Engineer: No comment.

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 **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to recommend **APPROVAL** of the major amendment for PUD-392-A as proposed by the applicant, per staff recommendation.

Legal Description for PUD-392-A:

Lot 1, Block 1, Eleven Trade Center, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, **FROM CS/PUD (Commercial Shopping Center District /Planned Unit Development [PUD-392]) TO CS/PUD (Commercial Shopping Center District /Planned Unit Development [PUD-392-A]).**

RELATED ITEM:

Application No.: Z-6958-SP-2

CORRIDOR SITE PLAN

Applicant: Tulsa Engineering & Planning

(PD-17) (CD-6)

Location: North of northwest corner of East 11th Street and South 123rd East Avenue

STAFF RECOMMENDATION:

Z-6958 December 2004: All concurred in approval of a request to rezone a 9.23± acre tract from RS-3/OL to CO for commercial use located north of northwest corner of East 11th Street and South 123rd East Avenue and on subject property.

Z-6520 January 1996: All concurred in approval of a request to rezone a tract located on the northwest corner of East 7th Street and South 123rd East Avenue from RS-3 and OM to CS for commercial uses.

Z-6480/PUD-539 August 1995: Approval was granted for a request to rezone a tract located between East 7th Street and East 11th Street and east of South 123rd East Avenue, east of the subject property, from RM-1, RS-3, RS-2, and CS to PUD-539 for a proposed commercial development allowing boat sales, and a mini-storage.

PUD-392 May 1985: All concurred in approval of a proposed Planned Unit Development a 3.74± acre tract of land for commercial use, with conditions, on property located on the northwest corner of East 11th Street and 123rd East Avenue.

BOA-9749 November 17, 1977: The Board of Adjustment approve a Special Exception to permit a premix donut distribution plant in a CS and CH District for the Daylight Donut Company on property located west of the northwest corner of East 11th Street and 123rd East Avenue and southwest of subject property.

BOA-7684 November 2, 1972: The Board of Adjustment approved a Special Exception to permit off-street parking in an RS-2 District to be used by the Lowrance Electronics Building on property located north and west of 11th Street and 123rd East Avenue and a part of the subject property.

BOA-7561 August 3, 1972: The Board of Adjustment approved a Special Exception to permit light manufacturing and industrial uses having light or no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration in a CH District Restricted to the uses listing in Use

Unit 25 on property located and abutting the subject property to the west and a part of Lowrance Electronics.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 9.23 acres in size. It is located north of the northwest corner of East 11th Street South and South 123rd East Avenue. The property is zoned CO.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 11 th Street	Secondary Arterial	100'	4
South 123 rd East Avenue	Residential	50'	2

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

SURROUNDING AREA: The subject property is abutted on the north by a church, zoned RS-3 and Skelly Drive, zoned RS-2. To the east are boat sales use and related activities, zoned CS; to the south is vacant paved land (apparently a former parking lot) and a retail/office strip center, zoned CS/PUD-392; further south across East 11th Street is East Central High School, zoned RS-3; and to the west are the Lowrance offices and manufacturing buildings, zoned CH and OL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity – No Specific land use/Corridor.

STAFF RECOMMENDATION:

The applicant is requesting corridor site plan approval of a 9.4143 acre tract which is part of the 20.1472 acre overall site plan for the corporate headquarters of Lowrance Electronics as noted in Exhibit 'A' – Corridor Site Plan. In addition to the 9.4143 acre tract requiring corridor site plan approval is an 8.5551 acre tract adjoining on the west zoned CH and a 2.1778 acre tract adjoining on the south for which a major amendment is being requested to remove that tract from PUD 392 (PUD 392-A). The purpose of the corridor site plan and related PUD major amendment is to accommodate a 41,323 square foot expansion to the existing 109,469 square foot building. The expansion will be located on the east side of the existing building and will also involve the removal of a portion of the existing parking. The building expansion will be utilized for additional engineering and warehousing and distribution uses. The existing building, combined with the proposed building expansion, would bring the total building square footage to 150,792 square feet.

The overall 20-plus acre site has 1,297 feet of frontage along Skelly Drive Service Road/ Interstate 44, 319 feet of frontage on East 11th Street South, and 462 feet of frontage on South 123rd East Avenue. The immediate surrounding area is a mix of different land uses and zoning districts. The Daylight Donuts corporate office is situated between the project site and East 11th Street, east of the Skelly Drive Service Road and is zoned CS. The Church of Jesus Christ of Latter Day Saints is located along the north central boundary of the site and is zoned RS-3. To the east of the church is property owned by Lowrance Electronics and two single-family residences zoned RS-3. One the east side of South 123rd East Avenue is mini-storage and a boat sales business zoned CS/OL/ PUD 539. South of the southeast corner of the site is a single-family residence zoned CO and a small commercial strip center zoned CS/ PUD 392.

The small commercial strip center located southeast of the project site is part of PUD 392. The portion of PUD 392 that is part of the Lowrance Electronics Conceptual Site Plan as indicated in Exhibit 'A' includes approximately 95 existing parking spaces, which will continue to be used by Lowrance.

Access to the site will not change, with two points of access from the Skelly Drive Service Road and two access points from East 11th Street South. No connection/ access to South 123rd East Avenue is proposed.

There is one existing monument sign located on site. It is approximately six feet tall and 25 feet wide with 150 square feet of display surface area.

It is the intent of the land owners to re-plat the entire property (20.1472 acres) as Lot 1, Block 1, Lowrance Electronics.

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 Z-6958-SP-2 to be: (1) consistent with Corridor Zoning; (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 Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** Z-6958-SP-2 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. For continuity of development and to ensure compliance with Section 1301.D of the zoning code regarding provision of parking located on the lot containing the use for which the required spaces or berths are to be

provided, the corridor site plan tract and adjoining parcels as indicated in Exhibit 'A' – Corridor Site Plan be platted as one lot, one block.

3. Development Standards:

NET LAND AREA: 9.4143 AC

PERMITTED USES:

Those uses permitted as a matter of right in Use Unit 11, Office, Studios and Support Services and uses customarily accessory to permitted principal uses; and Use Unit 23, Warehousing and Wholesaling, and uses customarily accessory to permitted principal uses.

MAXIMUM FLOOR AREA RATIO: 1.25 %

MAXIMUM LAND COVERAGE OF BUILDINGS: 30% 123,026 SF

MINIMUM BUILDING SETBACKS:

Centerline of Skelly Drive Frontage Road	100 FT
Centerline of East 8 th Street South	50 FT
Centerline of East 123 rd East Avenue	50 FT
From Abutting R Districts	50 FT
From Abutting OL Districts	50 FT

MINIMUM PARKING SETBACK:

From Abutting R Districts	10 FT
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MAXIMUM BUILDING HEIGHT: 35 FT

MINIMUM LANDSCAPED OPEN SPACE: 10% of net lot area

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa Zoning Code.

SCREENING:

A minimum six-foot tall screening fence shall be installed along the north 413.55 feet of the east boundary and along the east 633.51 feet of the north boundary, including the twenty-foot jog along the right-of-way of South 122nd East Avenue.

ACCESS AND PEDESTRIAN CIRCULATION:

Access shall be provided as indicated in Exhibit 'C' – Access and Circulation. Sidewalks are required along the Skelly Drive Frontage Road.

SITE LIGHTING:

Exterior light standards new lighting shall not exceed 25 feet in height and shall be hooded and directed downward and away from the adjacent residential uses. 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.

SIGNAGE:

No ground signs other than directional signs are permitted. Wall signs shall be permitted not to exceed two square feet of display surface area per lineal foot of building wall to which attached.

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 an occupancy 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, the landscape architect may certify to the zoning officer that landscaping will be installed within a specified period of 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 12-21-06:

General: No comment.

Water: No comment.

House Numbering: No comment.

Fire: Where 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.

Exception: 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 (183 m).

Stormwater: Certified Letters of Map Revision (CLOMR) must be reviewed and approved by both the City of Tulsa and FEMA prior to the commencement of any work in the Tupelo Creek Tributary C FEMA AE Floodplain and Floodway. The proposed building appears to encroach on both. Compensatory Storage must be provided for all structures and obstructions placed in the floodplain. It is unacceptable to place any structures or obstructions in the floodway.

Wastewater: No comment.

Transportation: Dedicate right-of-way for 123rd Street and East 8th Street and East 11th Street as needed in conformity with the Major Street and Highway Plan. Subdivision Regulations require sidewalks on the street frontages.

Traffic: Verify both legal access points for the existing drives onto 11th ST. Access is restricted onto 123rd E. Ave. as per the Corridor Text. Show LNA on Plat.

GIS: No comment.

County Engineer: No comment.

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 **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to recommend **APPROVAL** of the corridor site plan for Z-6958-SP-2 per staff recommendation.

Legal Description for Z-6958-SP-2:

A tract of land located in Lot 3, Block 1, "Lowrance Square", a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 3031, and in Lots 35 thru 37, "Plainview Heights Addition", a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the official recorded plat thereof, Plat No. 855, as filed in the records of the Tulsa County Clerk's office, being more particularly described as follows: The Easterly 130.00' of Lot 3, Block 1, "Lowrance Square", less the Southerly 50.00' thereof, and less a part of Lot 3 as described in exhibit "A" of Book 6340, Page 0427 as filed in the records of the Tulsa County Clerk's office; AND Lots 35 thru 37, "Plainview Heights Addition". **For: Warehousing and Parking.**

Application No.: PUD-306-J

MAJOR AMENDMENT

Applicant: Peter Kavanaugh/Zone Systems, Inc. (PD-18) (CD-8)

Location: South of southwest corner South Harvard Avenue and East 91st Street

STAFF RECOMMENDATION:

PUD-306-I September 2006: The TMAPC denied a proposed Major Amendment to permit a Use Unit 4 to permit a communications tower, located on the subject property and south of the southwest corner of East 41st Street and South 177th East Avenue.

BOA-19764 February 24, 2004: The Board of Adjustment approved a Special Exception to allow produce, bedding plants and Christmas trees sales (Use Unit 2) for a maximum of 179 days per year for 10 years in a CS zoned district and a Special Exception to allow gravel parking, per plan with condition for 10-year time limit on property abutting north of subject property. On this property there have been multiple BOA requests for similar uses from 1990 through 2004 (BOA-18376, BOA-17672, BOA-17346, BOA-16595, BOA-15331).

PUD-306-A April 1985: All concurred in approval of a proposed major amendment to PUD-306 to abandon Area B-3 as presented in the amendment and reducing total number of units from 88 to 57 and amending standards for

Area B-2 to state "church or single family, cluster, or low density multifamily on subject property.

PUD-306 February 1983: All concurred in approval of rezoning and the proposed PUD on 273 acres which included the subject tract for a mixed use development.

BOA-10998 May 1, 1980: The Board of Adjustments approved a Special Exception to allow a cemetery and related uses on property located and abutting east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.25± acres in size and is located south of southwest corner South Harvard Avenue and East 91st Street. The property has a church on it and is zoned RS-3/PUD-306-A.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Residential Collector	60'	2 lanes

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

SURROUNDING AREA: The subject tract is abutted on the east by a single family residential and a cemetery, zoned AG; on the north by vacant land, zoned RM-0/RM-1; on the south by single family residential, zoned RS-2/PUD-306-A and on the west by drainage easement and residential, zoned RM-1/PUD-306.

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.

STAFF RECOMMENDATION:

The applicant is requesting a major amendment to PUD-306 to allow a communications tower on an existing church site. The proposed 120-foot tower was the subject of major amendment request PUD-306-H denied by TMAPC on September 6, 2006 because of noncompliance with setback requirements per Section 1204 of the zoning code. In keeping with the requirements of Section 1204, PUD-306-H proposes to place the tower a minimum of 132 feet from the north boundary and in excess of 132 feet from the east, south and west boundaries.

Surrounding zoning and uses are generally residential, with multifamily zoned RM-1 to the west, vacant land zoned RM-1 to the north, single-family residential zoned RS-2 to the south and single-family residential zoned RS-2 and a cemetery zoned AG to the east. Per PUD-306-J the tower is more centrally

located within the church site, proximate to the southeast corner of the church, east of the pool. A creek and mature trees are along the common boundary between the church site and adjacent single-family residential to the south.

Because the proposed tower is more centrally located within the church site and complies with restrictions for communication towers per Section 1204 of the zoning code, staff finds PUD-306-J 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-306-J 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:**

PERMITTED USES:

In addition to those uses permitted per PUD-306-A, Antenna and Supporting Structure as provided within Use Unit 4, Public Protection and Utility Facilities.

MAXIMUM HEIGHT: 120 FT

SETBACKS:

From north boundary:	132 FT
From east boundary:	490 FT
From south boundary:	148 FT
From west boundary:	317 FT

USE CONDITIONS:

As provided per Section 1204.C, 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 a lot within the PUD until a Detail Site Plan for the lot, which includes all structures, parking and

landscaping areas, 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-306-A as amended, shall remain applicable.

TAC Comments from 12-21-06:

General: No comment.

Water: No comment.

House Numbering: No comment.

Fire: No comment.

Stormwater: There is a large area of Vensel Creek FEMA AE Floodplain, as well as Floodway, on this property. Please plot their location boundaries on this property, and check that against the location of the proposed lease area and Ingress/Egress Easement.

Wastewater: No comment.

Transportation: No comment.

Traffic: No comment.

GIS: No comment.

County Engineer: No comment.

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 **CANTRELL**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to recommend **APPROVAL** of the major amendment for PUD-306-J per staff recommendation.

Legal Description for PUD-306-J:

A tract of land that is part of the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section 20, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, said tract of land being described as follows, to-wit: Starting at the Northeast corner of said Section 20; Thence S 1°08'55" E along the Easterly line of Section 20 for 662.72' to the Point of Beginning of said tract of land, said point being the Southeast corner of the NE/4 of the NE/4 of the NE/4 of said Section 20; Thence continuing S 1°08'55" E along the Easterly line of Section 20 for 193.0'; Thence S 87°21'05" W for 100.01'; Thence S 77°06'10" W for 169.47'; Thence S 34°01'10" W for 96.52'; Thence N 85°56'47" W for 127.32'; Thence S 67°45'04" W for 118.85'; Thence S 26°28'30" W for 284.87'; Thence S 10°22'31" W for 73.81' to a point on the Southerly line of the NE/4 of the NE/4; Thence S 88°40'02" W along said Southerly line for 87.18'; Thence N 1°19'58" W for 111.49'; Thence N 19°23'19" W for 119.28'; Thence N 17°50'09" W for 272.02' to a point of

curve; Thence Northwesterly and Northerly along a curve to the right, with a central angle of 27°53'38" and a radius of 366.26', for 178.31' to a point on the Northerly line of the S/2 of the NE/4 of the NE/4 of said Section 20; Thence N 88°37'38" E along said Northerly line for 917.44' to the POB; LESS and Except: Beginning at the Northeast Corner of said Section 20, T-18-N, R-13-E of the IBM; Thence S 01°08'55" E, along the East boundary of said Section 20, a distance of 662.72', which is also the Northeast Corner of the S/2 of the NE/4 of the NE/4 of said Section 20; Thence S 88°37'38" W, a distance of 24.75' to the POB; Thence S 01°08'55" E, a distance of 193.0'; Thence S 87°21'05" W, a distance of 15.26'; Thence N 01 °08'55" W a distance of 193.0' to the North line of the S/2 of the NE/4 of the NE/4; Thence N 88°37'38" E, a distance of 15.25' to the POB, **FROM: RS-3/ PUD (Residential Single Family High Intensity District/ Planned Unit Development [PUD-306]) TO: RS-3 /PUD (Residential Single Family High Intensity District /Planned Unit Development [PUD-306-J])**.

* * * * *

Application No.: Z-7048

AG to RS-3

Applicant: Sisemore Weisz & Associates

(PD-17) (CD-6)

Location: South of southwest corner of East 41st Street and South 177th East Avenue

STAFF RECOMMENDATION:

PUD-733 October 2006: All concurred in approval of a request for a PUD for commercial development at the northeast corner of South 177th East Avenue and East 41st Street South, with underlying zoning of CS, RS-3 and AG. This case is to be heard by the City Council on December 19, 2006.

Z-7028 August 2006: All concurred in approval of a request to rezone a 10+ acre tract from AG to RS-3 on property located south of southwest corner of East 41st Street and South 177th East Avenue.

Z-7006 January 2006: All concurred in approval of a request to rezone an 80+ acre tract from RS-3 to RS-4 for Residential purposes located south of the southeast corner of East 41st Street South and South 177th East Avenue.

Z-6999 September 2005: All concurred in approval of a request to rezone a 90+ acre tract locate west of the southwest corner of East 41st Street and 193rd East Avenue from RS-3, AG, OL and CS to RS-4 for single-family development.

Z-6972/PUD-712 February 2005: All concurred in approval a request to rezone approximately eight acres in a wrap-around configuration located north and west of the northwest corner of East 51st Street and South 193rd East Avenue from RM-0 to OL. Approval was also granted for a PUD on the entire northwest

corner of this intersection to allow retail development with a proposed mini-storage facility around the commercial corner.

Z-6970 February 2005: All concurred in approval of a request to rezone a ten-acre tract located south of the southwest corner of East 49th Street and South 177th East Avenue, from AG to RS-3.

PUD-711 February 2005: Approval was granted for a gated single-family development for 38 lots. The property is located west of the northwest corner of East 51st Street and South 177th East Avenue.

Z-6945 August 2004: Approval was granted for RS-3 zoning from AG on a 126.5-acre tract located north and east of the northeast corner of East 51st Street and South 177th East Avenue.

Z-6913 October 2003: A request to rezone 11.6 acres, located west of the northwest corner of East 51st Street and South Lynn Lane (South 177th East Avenue) from AG to RS-4. Staff recommended denial on the grounds there were no other zoning and development patterns in the area with RS-4 zoning. Staff recommended the applicant re-submit the application along with a Planned Unit Development.

Z-6911 September 2003: Approval was granted to rezone 160 acres located east of the northeast corner of East 51st Street South and South 161 East Avenue from AG to RS-3 for single-family development.

Z-6834 October 2001: The TMAPC and City Council approved a request to rezone property located north or the northwest corner of East 51st Street and South 177th East Avenue, from AG to RS-3.

Z-6816 June 2001: All concurred in approval of a request to rezone an eleven-acre tract located north and east of the northeast corner of East 41st Street and South 177th East Avenue from RM-0 and RS-3 to AG and RS-3 for residential and agricultural uses.

Z-6500 September 1995: The TMAPC and City Council approved rezoning from AG to RS-4 on a property north of East 51st Street between Lynn Lane (South 177th East Avenue) and South 193rd East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 47± acres in size and is located south of the southwest corner East 41st St and South 177th Avenue East. The property appears to be mostly vacant with a few residences/outbuildings and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 177th Avenue East	Secondary arterial	100'	two

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land and perhaps a large-lot residential property, zoned RS-3 and RS-4; on the north by large-lot residential uses and vacant land, zoned AG; on the south by vacant land and large-lot residential uses, zoned RS-3; and on the west by vacant land, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-3 zoning is in accord with the District Plan.

STAFF RECOMMENDATION:

Although very little development has occurred to date in this area, the zoning patterns are in place to accommodate single-family residential uses nearby. A recent zoning case northeast of this site (PUD-733) proposes commercial uses at the northeast corner of South 177th East Avenue and East 41st Street (recommended for approval by the TMAPC; to be heard by the City Council in late December). Therefore, based on the Comprehensive Plan, existing zoning patterns and trends in the area, staff recommends **APPROVAL** of RS-3 for Z-7048.

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 **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-7048 per staff recommendation.

Legal Description for Z-7048:

A TRACT OF LAND THAT IS A PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION 26, T-19-N, R-14-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE SOUTH 0°00'01" WEST ALONG THE EASTERLY

LINE OF SAID NE/4 FOR 740.93' TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING SOUTH 0°00'01" WEST ALONG SAID EASTERLY LINE FOR 1564.98' TO THE NORTHEAST CORNER OF THE S/2 S/2 SE/4 NE/4; THENCE NORTH 89°57'57" WEST ALONG THE NORTHERLY LINE OF SAID S/2 S/2 SE/4 NE/4 FOR 1323.91' TO THE NORTHWEST CORNER OF SAID S/2 S/2 SE/4 NE/4; THENCE NORTH 0°00'50" EAST ALONG THE WESTERLY LINE OF THE SE/4 NE/4 FOR 988.02' TO THE NORTHWEST CORNER OF SAID SE/4 NE/4; THENCE SOUTH 89°58'32" EAST ALONG THE NORTHERLY LINE OF SAID SE/4 NE/4 FOR 66.14'; THENCE NORTH 0°00'50" EAST FOR 576.78'; THENCE SOUTH 89°58'24" EAST FOR 1257.39' TO THE POB OF SAID TRACT OF LAND. **From AG (Agriculture District) To RS-3 (Residential Single-family High Density District).**

Application No.: PUD-641-2

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-18) (CD-7)

Location: 6800 South Granite

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD 641 for the purpose of increasing the building height limitation of the independent living apartment buildings from six stories to eight stories to allow construction of additions to the north wings of the multifamily complex. The proposed expansion will not exceed permitted number of multifamily dwelling units. Additional parking will be provided to accommodate the increase in dwelling units. The expanded north wings will comply with building setbacks. The nearest adjacent residential zoning and/ or residential use is approximately 275 feet to the east and 400 feet to the north.

Staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD 641-2 as proposed.

TMAPC COMMENTS:

Mr. Harmon questioned if this application should be a minor amendment or major amendment. Ms. Matthews stated that staff discussed this application and determined that it would falls under the minor amendment category.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, described the proposal and subject property's topography. Mr. Johnsen commented that this proposal will not impact nearby properties.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Ms. Bayles stated that she would recommend approval, but she would consider this a major amendment given the topography and surrounding area. She would like to make sure that the Planning Commission's distinctions are consistent in the future about what is considered a major or minor amendment.

TMAPC Action; 6 members present:

On **MOTION** of **BAYLES**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **APPROVE** the minor amendment for PUD-641-2 as proposed, per staff recommendation.

TMAPC COMMENTS:

Mr. Ard asked staff what the specific discussion in the guideline regarding to the difference between minor and major amendments. In response, Ms. Matthews stated that it is spelled out in Section 1107 of the Zoning Code, Item No. 9 for minor amendments: "Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot width or frontages, provided the approved development plan, the approved PUD standards and the character of the development are not substantially altered." In response, Mr. Ard commented that PUD-641-2 fell within the criteria for a minor amendment.

Application No.: PUD-712-2

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-17) (CD-6)

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

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-712 for the purpose of reallocating floor area. No change in the permitted uses is proposed and the proposed intensity of use is permitted by the existing underlying zoning. The existing five acres (gross) of CS zoning with an allowable floor area ratio of .5

permits 108,900 square feet of commercial floor area. The existing approximate 7.75 acres (gross) of OL with an allowable floor area ratio of .3 permits 101,250 square feet of office (or mini-storage) floor area.

On November 2006, TMAPC approved minor amendment PUD-712-1, which among other matters allocated permitted floor area to four lots. Minor amendment PUD-712-2 proposes reallocation of permitted floor area as follows:

<u>Development Area A (retail)</u>	<u>As Approved</u>	<u>As Proposed</u>
Lot 1, Block 1		
Net Lot Area	1.50 AC	1.50 AC
Maximum Building Floor Area	11,400 SF	11,400 SF
Lot 2, Block 1		
Net Lot Area	5.0 AC	5.0 AC
Maximum Building Floor Area	46,665 SF	38,850 SF
Lot 3, Block 1		
Net Lot Area	0.59 AC	0.59 AC
Maximum Building Floor Area	5,185 SF	7,000 SF
<u>Development Area B (mini-storage)</u>		
Lot 4, Block 1	3.14 AC	3.14 AC
Maximum Building Floor Area	<u>50,000 SF</u>	<u>56,000 SF</u>
Total Floor Area	113,250 SF	113,250 SF

Staff finds the proposed amendment to be minor in nature and in keeping with the spirit and intent of PUD-712 and, therefore, recommends **APPROVAL** of PUD-712-2 as proposed subject to all other standards and conditions of PUD-712 as amended remaining in effect.

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 **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") to **APPROVE** the minor amendment for PUD-712-2, subject to all other standards and conditions of PUD-712 as amended remain in effect per staff recommendation.

OTHER BUSINESS:

Elections for TMAPC Officers:

Mr. Harmon read the following nominees: Chair, Mr. Ard; 1st Vice Chair, Gail Carnes; 2nd Vice Chair, Wesley Harmon; Secretary, Michelle Cantrell. Mr. Harmon reminded the Planning Commission that nominations can be taken from the floor if anyone would like to do so.

Mr. Ard asked if there are any nominations from the floor.

Ms. Bayles stated that she appreciates and respects Mr. Harmon's and the nominating committee's time and service; however, she would like to propose that the slate be modified as follows: Chip Ard, Chair; Wesley Harmon, 1st Vice Chair; Michelle Cantrell, 2nd Vice Chair; and Stephanie Cantees, Secretary. Ms. Bayles further stated that this is in attempt to continue to educate our members, groom them, and mentor them. Ms. Bayles commented that it was her great privilege to have been mentored by Mr. Ledford, who imparted valuable information and she would like to see that process continue. There are members who she believes are qualified for these leadership positions and without the Planning Commissioners' objection she would present the alternate slate.

Mr. Ard asked Mr. Harmon if he had an opinion or comments about changing the slate. In response, Mr. Harmon stated that nominating committee discussed and chose the ones that they did and he feels compelled to leave those in nomination and be voted on and if that is voted down, then look at alternate candidates.

Ms. Bayles stated that she would like to voice her concern. The Planning Commission is trying to promote an open and transparent policy in ways that have not occurred before. She is struck by the fact that the nominating committee consisted of Mr. Carnes, Mr. Harmon and Ms. Cantrell and without question a nominating committee that presents themselves as their own slate should be questioned and that in part was the reason she made these alternatives. Without a doubt, she doesn't believe that any of the Planning Commissioners have found Mr. Ard's service or conviction to the cause in responsibility as chairman to be at issue. It was Mr. Bernard's intent that the nominating committee be formed and promotes this open and transparent environment that we are discussing today.

Ms. Cantrell stated that this is her first time serving on the nominating committee and she was a little uncomfortable with how it came out that the committee did nominate the three members. If Mr. Harmon wants to vote on the slate, then he can make a motion, but she would be happy to withdrawing the slate and do nominations for each position.

Ms. Bayles nominated Mr. Ard as Chair

TMAPC Action; 6 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Bayles, Cantees, Cantrell, Harmon, Shivel "aye"; no "nays"; none "abstaining"; Carnes, Collins, Midget, Wofford "absent") that the nomination cease and Mr. Chip Ard be elected by acclamation.

Mr. Harmon nominated Gail Carnes for 1st Vice Chair.

Ms. Bayles nominated Wesley Harmon for 1st Vice Chair.

Mr. Ard asked for votes for Mr. Carnes as 1st Vice Chair, 1-5-0.

Mr. Ard asked for votes for Mr. Harmon as 1st Vice Chair, 5-1-0.

Mr. Ard confirmed that Mr. Harmon will be 1st Vice Chair.

Mr. Ard asked for nominations for 2nd Vice Chair:

Ms. Bayles nominated Michelle Cantrell.

Mr. Harmon nominated Gail Carnes.

Mr. Ard asked for votes for Mr. Carnes, 1-5-0.

Mr. Ard asked for votes for Ms. Cantrell, 5-1-0.

Mr. Ard confirmed that Ms. Cantrell will be 2nd Vice Chair.

Mr. Ard asked for nominations for secretary.

Ms. Bayles nominated Stephanie Cantees.

No other nominations.

Mr. Ard asked for votes for Ms. Cantees, 5-0-1 (Cantees abstained).

Mr. Ard confirmed that Ms. Cantees will be secretary.

2007 Officers: Chair, Ard; 1st Vice Chair, Harmon; 2nd Vice Chair, Cantrell, and Secretary, Cantees.

* * * * *

Commissioners' Comments:

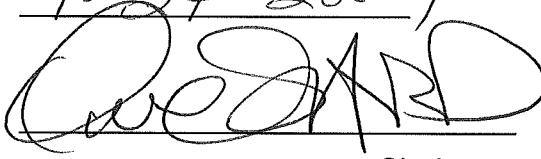
Mr. Shivel stated that he appreciates Ms. Bayles's comments relative to mentoring and progress within the Planning Commission. He believes it would also be healthy to look at term limits for Planning Commission offices.

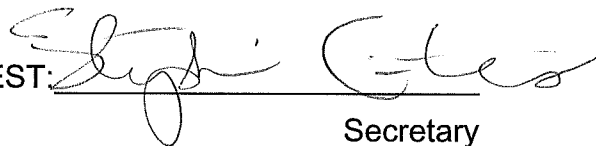
Mr. Harmon stated that the term limits are self-limiting, after one year no one wants to run again.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.

Date Approved:

1-24-2007

Chairman

ATTEST: 
Secretary