

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2491

Wednesday, September 5, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	McArtor	Chronister	Boulden, Legal
Cantees	Miller	Fernandez	
Cantrell		Huntsinger	
Carnes		Matthews	
Harmon		Tomlinson	
Marshall			
Midget			
Shivel			
Sparks			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 30, 2007 at 3:43 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 1:32 p.m.

REPORTS:

Director's Report:

Ms. Matthews reported on the BOCC and City Council agendas.

Minutes:

Approval of the minutes of August 15, 2007 Meeting No. 2489

On **MOTION** of **CARNES**, the TMAPC voted 6-0-1 (Ard, Carnes, Harmon, Marshall, Shivel, Sparks "aye"; no "nays"; Cantees "abstaining"; Cantrell, McArtor, Midget, Miller "absent") to **APPROVE** the minutes of the meeting of August 15, 2007, Meeting No. 2489.

Minutes:

Approval of the minutes of August 22, 2007 Meeting No. 2490

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Cantees, Carnes, Harmon, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantrell, McArtor, Midget, Miller "absent") to **APPROVE** the minutes of the meeting of August 22, 2007, Meeting No. 2490.

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

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

2. 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.

- a. **L-20129** – Harden & Associates (0417) / Lot-Split (PD 16) (CD 6)
4111 North Garnett Road
- b. **PUD-597-3 – Tulsa Engineering & Planning/Tim Terral** (PD-18) (CD-8)
9600 Mingo Office Park; north and west of East 95th Court South and west of South Mingo Road (Minor Amendment for a lot-split.) (Related to Item 3.d.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-597 for the purpose of a lot-split. The property under consideration was formerly the subject of a lot-split/lot combination approved by TMAPC February 16, 2006. Per that request, PUD-597-2, Lot 3 was split and the west half attached to Lot 4. The combination was necessary at that time to meet sanitary sewer requirements. Sewer has now been extended to reach Lot 4; therefore, the applicant is requesting that the west half of Lot 3 be detached from Lot 4.

Staff finds the proposed amendment to be minor in nature and in keeping with the spirit and intent of PUD 597 and recommends **APPROVAL** of PUD-597-3, establishing maximum permitted floor area for the two lots as follows:

Permitted Floor Area

TRACT 1 (West part of Lot 3, Block 1)	8,572 SF
TRACT 2 (Lot 4, Block 1)	16,876 SF

c. **PUD-379-A-8 – Rick Stuber** (PD-18) (CD-7)

6746 South Memorial Drive (Minor Amendment to reduce the parking requirement per development standards and the Zoning Code.) (Related to Items 2.d. & e.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD 379-A for the purpose of reducing the parking requirement per development standards and the Zoning Code. A 10% reduction of overall parking for the Village at Woodland Hills shopping center was approved by the Board of Adjustment on May 8, 2007, per BOA-20491, thus clearing the way for a corresponding change to PUD development standards. Staff finds the proposed amendment to be appropriate, minor in nature and in keeping with the spirit and intent of PUD-379-A; and, therefore, recommends **APPROVAL** of PUD-379-A-8 as proposed.

d. **PUD-379-7 – Architects Collective** (PD-18) (CD-7)

6808 South Memorial Drive (Minor Amendment to reduce the parking requirement per development standards and the Zoning Code.) (Related to Item 2.c. & e.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-379 for the purpose of reducing the parking requirement per development standards and the Zoning Code. A 10% reduction of overall parking for the Village at Woodland Hills shopping center was approved by the Board of Adjustment on May 8, 2007, per BOA-20491, thus clearing the way for a corresponding change to PUD development standards. Staff finds the proposed amendment to be appropriate, minor in nature and in keeping with the spirit and intent of PUD-379; and, therefore, recommends **APPROVAL** of PUD-379-7 as proposed.

e. **PUD-379-A-7 – Lori Worthington**

(PD-18) (CD-7)

6714 South Memorial (Minor Amendment to increase the permitted height for a ground sign from 20 feet to 28 feet.) (Related to Items 2.c. & d.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-379-A for the purpose of increasing the permitted height for a ground sign from 20 feet to 28 feet. The proposed ground sign is intended to replace the existing tenant directory sign located on the southwest corner of the signalized access drive into the shopping center from Memorial Drive. The existing sign is 28 feet in height and was approved as such September 18, 1996 per a detail sign plan review, although no amendment to development standards was made to allow the increase.

The PUD chapter of the zoning code, Section 1103.B.2.b(4), provides that "Ground signs and promotional business signs shall not exceed twenty-five (25) feet in height measured from the mean curb level of the lot upon which it is erected, unless, in addition to the minimum setback prescribed in paragraph 1221.C.5, the sign is set back one (1) foot for each foot of height exceeding twenty-five (25) feet." The proposed (and existing) sign is setback 78 feet from the centerline of Memorial Drive, more than enough to meet this requirement at the proposed (and existing) 28 feet in height.

Therefore, staff recommends **APPROVAL** of PUD-379-A-7 as proposed.

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f. **Tulsa Hills** – (8211) Final Plat

(PD-8) (CD-2)

East of U.S. 75 between West 71st Street and West 81st Street

STAFF RECOMMENDATION:

This plat consists of 31 Lots in 2 Blocks on 175.57 acres.

The consulting engineer has requested that this final plat be put on the agenda. Typically all release letters have been received before a Final Plat is put on the agenda for approval. There is a dispute between the project engineers and AT&T representatives about easements on the plat. Staff has requested that both parties work to resolve their concerns, but to date no agreement has been reached and no release letter from AT&T has been received.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Midget, Miller "absent") to **APPROVE** the consent agenda Items 2.a. through 2.f. per staff recommendation.

Mr. Ard announced that PUD-677-A-1 has been withdrawn by the applicant and will be stricken from the agenda.

3. PUBLIC HEARING

- a. **L-20112** – City of Tulsa (9307) (PD 4) (CD 4)
1324 East 11th Street

STAFF RECOMMENDATION:

The applicant has applied to split the subject property into two parcels. Tract 2 will continue to be used as parking and the historic Meadow Gold sign on Route 66 will be placed on Tract 1, using Vision 2025 funds. Both proposed tracts meet the CH zoning requirements.

At this location, East 11th Street is designated as an urban arterial, requiring 40' of street right-of-way from the center of the street. Currently, 35' has been deeded to the city for street right-of-way. Also, the proposed lot-split will divorce Tract 1 from the sanitary sewer main line.

The applicant is seeking a waiver of the Subdivision Regulations of the required 40' of street right-of-way along East 11th Street. The applicant has indicated that no buildings for occupancy will be placed on Tract 1, and has asked for a waiver of Subdivision Regulation 6.5.2 requiring each tract have sanitary sewer service.

Although the Technical Advisory Committee (TAC) would prefer that the full right-of-way be deeded, the TAC offered no objections to the approval of the lot-split and the requested waivers at their August 16, 2007, meeting.

Staff recommends **DENIAL** of the waiver of the Subdivision Regulations for the additional 5' of right-of-way (that would bring it to the required 40') along East 11th Street, **APPROVAL** of the waiver of the sanitary sewer main line being extended

subject to no occupancy permits being issued for Tract 1, and of the lot-split subject to the additional right-of-way being deeded to the city.

TMAPC COMMENTS:

Mr. Ard asked if the structure would ever be occupied. In response, Ms. Chronister explained that the structure only has support pillars without any enclosures. In the future if there is a decision to enclose the structure, then they would have to obtain a building permit and go through the process, and at that time sanitary sewer would be required.

Mr. Carnes asked staff why they were requiring the five feet of right-of-way if the City of Tulsa already owns the subject property. In response, Ms. Chronister stated that the right-of-way would not only be for the tract that the City owns, but also for the other half of the property that the owner is retaining.

In response to Mr. Marshall, Ms. Chronister explained that at the TAC meeting the City Engineers preferred that the Subdivision Regulations be followed regarding the requirement for right-of-way, but they did not voice an objection to waiving the regulations at this time.

Mr. Midget in at 1:49 p.m.

Applicant's Comments:

Ray Meldrum, Real Estate and Economic Development Division for the City of Tulsa, stated that the owner of the subject property was very generous in trying to accomplish this project. The City does not anticipate giving away any more of the property owner's property than what he has already donated to the City of Tulsa for the Meadow Gold sign. The City is only obtaining enough land to place the signage on it and there will be nothing under the signage except support beams.

Mr. Meldrum explained that there has already been five feet taken off of the north portion of the subject property and the other property to the west has 2.5 feet taken off. He believes that it would get into the building itself if there is any expansion of the roadway. Currently there are four lanes with a left-turn lane and he doubts if there would be more improvements for many years.

There were no interested parties wishing to speak.

Mr. Carnes stated that he would make a motion to approve both waivers because he agrees that the owner has already given enough land and the City doesn't need to take five feet more.

Ms. Cantrell stated that she would agree with Mr. Carnes. She explained that normally she wouldn't recommend waiving the right-of-way, but the subject property owner donated the land under application for the Meadow Gold signage.

Mr. Marshall stated that if the City ever needs the additional five feet they would be able to get it later and he agrees with the motion.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the waiver of the Subdivision Regulations of the additional 5' of right-of-way along East 11th Street, the waiver of the sanitary sewer main line being extended subject to no occupancy permits being issued for Tract 1, and of the lot-split subject to the additional right-of-way being deeded to the city for L-20112.

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b. **L-20124** – Sisemore Weisz (8307)

(PD 18) (CD 2)

7447 South Quincy

STAFF RECOMMENDATION:

On July 18, 2007, the Tulsa Metropolitan Area Planning Commission approved rezoning the subject tract from RS-2 to OM, which results in the property being subject to plat. However, the property owner wanted to reconfigure the property and change ownership prior to the property being platted. The rezoning application has not yet been heard by the City Council to allow this lot-split application to be completed.

Two lots are being split. Lot 8 is currently split into three parcels, along with Lot 7; the proposal is to reconfigure the four parcels into two tracts, excluding street right-of-way. The western portions of Lot 7 and Lot 8 will be tied together (Tract A) and the eastern portions of Lot 7 and Lot 8 will be tied together (Tract B). Both resulting tracts would meet the RS-2 bulk and area requirements; however, both tracts would have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

City of Tulsa Public Works Department is requiring the sanitary sewer main line to be extended to serve Tract A. However, the applicant is requesting approval of the lot-split, with the sewer line being extended prior to future construction on Tract A. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.2 requiring each tract have sanitary sewer service.

The applicant indicated that the proposed split tracts will be reflected when platting the property. The Technical Advisory Commission expressed no concerns at their August 16, 2007, meeting.

Due to the property being subject to plat once the rezoning has been approved by the City Council and the ordinance published, which will also require the sanitary sewer line to be extended prior to approval, Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the two waivers of Subdivision Regulations and of the lot-split.

Interested Parties Comments:

Kenneth White, Tulsa Airport Authority, representing the Riverside Airport, reminded the Planning Commission that the TAA would not recommend any type of residential development on the subject lot. An aviation easement should be attached to the plat.

TMAPC COMMENTS:

Mr. Ard informed Mr. White that the Planning Commission is considering a lot-split and any concerns he has would be discussed at the TAC meeting. The zoning on the subject property was previously approved to OM. Mr. Ard suggested that Mr. White visit with staff regarding his involvement with TAC.

Ms. Matthews stated that the Airport Director is given notice of every zoning request that is filed at INCOG.

Ms. Fernandez stated that Mr. White does attend the TAC meetings and he is notified of items that come forward. Mr. White is a new member to the staff and is getting used to the whole process. All the lot-splits for waiver go to TAC and Mr. White has been active in the subdivision plat.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the waiver of Subdivision Regulation 6.5.2 requiring each tract have sanitary sewer service, a waiver of the Subdivision Regulations that no tract have more than three side lot lines and of the lot-split for L-20124 per staff recommendation.

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- c. **L-20127** – Jane Lewis (1223)
324 West 92nd Street North

(County)

STAFF RECOMMENDATION:

The proposal is to split a five-acre tract into two parcels. Although the southern portion of the property is zoned AG, the front of the property is zoned RE. Both

proposed tracts meet the RE and the AG bulk and area requirements; however, Tract B would have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-20127 per staff recommendation.

- d. **L-20128** – Tulsa Engineering & Planning (8324) (PD 18) (CD 8)
9223 East 95th Court

STAFF RECOMMENDATION:

On February 26, 2006, L-19930 was approved to split Lot 3, Block 1, 9600 Mingo Office Park into two tracts. However, because the western portion of Lot 3 would not have sanitary sewer service, it was required to be tied to Lot 4. Since that time, the sanitary sewer service requirements have been met and the applicant has applied to split the western portion of Lot 3 (Tract 1) from Lot 4. All OL zoning bulk and area requirements have been met.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **RESCINDING** the tie language of L-19930 and recommends **APPROVAL** of the current lot-split request, L-20128.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **RESCIND** the tie language of L-19930 and **APPROVE** the current lot-split request for L-20128 per staff recommendation.

- e. **Sonoma Grande** – (8312)/ Preliminary Plat (PD 18) (CD 8)
North of northwest corner of East 81st Street and Mingo Road

STAFF RECOMMENDATION:

This plat consists of two lots, two blocks, on 25.6 acres.

The following issues were discussed August 16, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 460. This is a multifamily development. All PUD requirements must be met. Mutual access easements must be shown. A property owners association should be formed for maintenance of the site (drainage, access, sign easements which should be shown, open space, etc.).
2. **Streets:** Include 17.5-foot utility easements along 81st and Mingo frontages. Provide a statement on face of plat that sidewalks are to be provided on the arterial streets in conformance with subdivision regulations. Show limits of no access and all approved access points along both arterials. Provide a mutual access easement along the south side of Lot 2 per the proposed concept plan along with standard language. The 81st Street drives are okay.
3. **Sewer:** Please be sure that the proposed eight-inch sanitary sewer line, along the west boundary of Lot 2, is designed deep enough to serve the entire unplatted area at the northwest corner of East 81st Street and South Mingo.
4. **Water:** Water main dead-end stubs will not be allowed. Traditional design should be used.
5. **Storm Drainage:** If off-site drainage flows onto this site, then the appropriate stormwater easements will be required. None have been shown. If no drainage or storm sewer easements are shown to convey drainage on the face of plat then Sections I.G and J. should be removed. Need to add enough off-site contours to establish drainage patterns onto or away from this site.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO and ONG may need additional easement.
7. **Other: Fire:** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Provide additional emergency access along the northeast drive per our previous discussions. 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 group R-3 and group U occupancies, the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Please add surveyors' e-mail address and date of preparation to face of plat.

General: Please identify the connecting black lines in southern and northeastern areas (possible security fencing).

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

submitted to the Public Works Department.

7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the preliminary plat for Sonoma Grande, subject to special conditions and standard conditions per staff recommendation.

- f. **Jim Norton Center III** – (8324)/Minor Subdivision Plat (PD 26) (CD 8)
Northeast corner of East 98th Street South and 84th East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 5.09 acres.

The following issues were discussed August 16, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 411C. All PUD conditions must be met.
2. **Streets:** For the 97th Street driveway, change the severe angle of the intersection to – 90 degrees – in order to provide adequate sight lines. Relocate the 84th East Avenue drive northward to the 1st or 2nd aisle and

away from 98th Street.

3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: No comment.

General: Approval as a minor subdivision plat is recommended.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

Interested Parties:

Melissa Kelly, 9734 South 85th East Avenue, 74133; **Grace Alexander**, 9708 South 85th East Avenue, 74133;

Interested Parties Comments:

Interested parties expressed concerns with the subject lot not being mowed and causing a safety issue for the neighbors; concerns regarding the light standards and spilling over into the neighbor's homes; loud outside speaker is heard in the neighborhood; prefer that the 15-foot setback on the eastern portion be a 20-foot easement for the trail system. (Both interested parties indicated that they are in favor of the proposal, but would like their concerns addressed.)

TMAPC COMMENTS:

Mr. Marshall stated that he doesn't remember any neighbors objecting to this application when it was first brought to the Planning Commission. In response, Ms. Alexander stated that she believes this is a wonderful daytime use and she is for the proposal. However, she would like more of an easement for the trails and efforts to save the mature trees. She further requested that if the applicant is considering installing their intercom system to this parking lot, that they understand the current system is very audible to the neighbors.

At this point in the meeting Mr. Ard was informed that Mr. Kenneth White signed up to speak on Item 3.b. L-20124. (See L-20124).

Applicant's Rebuttal:

Mr. Sack stated that he did meet with the neighborhood and there will be a detail site plan before the Planning Commission, which will meet all of the requirements of the PUD. After meeting with the neighborhood, his client has decided to set the parking back by 30 feet and will double the setback, which exceeds Ms. Alexander's request.

TMAPC COMMENTS:

Mr. Ard asked Mr. Sack to continue his dialogue with the neighbors and address their concerns.

Mr. Sack stated that there is further prohibition that if the lighting is within 90 feet of the east boundary then the poles can only be ten feet high, and then beyond that it is 25 feet in height. All lighting has to meet the Kennebunkport Formula.

Ms. Cantees asked Mr. Sack if he would talk with the client about the grass that needs to be mowed. She explained that she drove by the subject property and the grass is high and creates a hazard for traffic.

Mr. Sack stated that he would mention the grass issue with the Jim Norton people.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Cantees, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the minor subdivision plat for Jim Norton Center III, subject to special conditions and standard conditions per staff recommendation.

g. **Z-7073 – Lou Reynolds**

RS-2 to CS

Southeast corner of South 33rd West Avenue & West Skelly Drive (PD-8) (CD-2)

STAFF RECOMMENDATION:

BOA-18374 April 13, 1999: The Board of Adjustment approved a Special Exception to allow for auto repair with six bays, not including body and paint shop, no storage of inoperable vehicles outside; and a mini storage facility in a CS district; with conditions set forth in an RM-1 district; the south wall of the mini-storage being constructed out of masonry material and serve as the screening fence; and a Special Exception of the screening requirements on the north and south boundaries; per plan submitted on property located at 2940 West Skelly Drive and abutting east of subject property.

Z-6371 November 1992: All concurred in approval of a request for rezoning a tract of land from RS-3 to CS on property located north of the subject property.

Z-6321 October 1991: All concurred in approval of a request for rezoning a tract of land from RS-3 to CS/PK on property located and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately two acres in size and is located southeast corner of South 33rd West Avenue and West Skelly Drive. The property appears to be in single-family residential use/vacant and is zoned RS-2.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 33 rd West Avenue	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 single-family residential uses and vacant land, zoned RS-2; on the north by Skelly Drive and associated right-of-way, zoned RS-2 and RS-3; on the south by single-family residential uses, zoned RS-2; and on the west by convenience store commercial and parking uses, zoned CS/PK and single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-Commercial land use and Special District Area B. According to the Zoning Matrix, the requested CS zoning **may be found** in accord with the Plan by virtue of its location within a Special District. Plan policies call for this area to be developed and maintained in commercial and highway-related uses.

STAFF RECOMMENDATION:

The requested CS **may be found** in accord with the District Plan by virtue of its location within a Special District. In this case, the Plan policies designate this area for commercial development and redevelopment in conjunction with the nearby expressway. The subject property is part of a strip of residential development that is older and appears to be in transition. To the east of the eastern property line of the adjacent property (to the east) is a CS-zoned strip fronting on Skelly Drive. The Plan contemplates that the entire Skelly Drive frontage will eventually become commercial. Based on these facts, staff can recommend **APPROVAL** of CS zoning for Z-7073. However, staff points out to the TMAPC that this rezoning will likely lead to a similar rezoning to the west

across South 33rd West Avenue, which is also within the Special District. The required screening associated with CS zoning should provide adequate protection to the R-zoned properties remaining to the south and east, which will also prohibit access from any street other than South 33rd West Avenue.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, representing People's State Bank, stated that the additional land will a 29-foot strip of land that the State gave deeds to the property owners, but they never recorded the deeds. The surveyor learned about this after the case had been filed. He indicated that he plans to file an application for the strip of land in question. Once the strip of land is rezoned then there will be access onto West 33rd and West Skelly Drive. Mr. Reynolds submitted a site plan (Exhibit A-1).

Mr. Reynolds submitted photographs of the subject property and described the surrounding properties (Exhibit A-2). He explained that the subject properties are unplatted and do not conform to today's standards. Mr. Reynolds explained that his client's intention is zone this CS for bank use. He indicated that he met with several neighbors who are in support of the proposal.

TMAPC COMMENTS:

Mr. Ard asked Mr. Reynolds if the existing homes are occupied. In response, Mr. Reynolds stated that he believes one is occupied and the other is vacant. Mr. Reynolds demonstrated where the CS line would end on the subject properties. Mr. Ard asked Mr. Reynolds if at some point the easternmost side would be zoned CS. In response, Mr. Reynolds stated that it would be left in some type of residential zoning because it is not needed today and there are houses in front of it.

Interested Parties:

Jo Lambert, 5173 South 34th West Avenue, 74107; **Linda Fitzgerald**, 4315 South 27th West Avenue, 74107; **Joe Galloway**, 5173 South 33rd West Avenue, 74107.

Interested Parties Comments:

No objection to the bank itself, but concerned about the traffic on 33rd West Avenue and Skelly Drive; currently there is a four-way stop sign now and possibly a traffic light is needed to eliminate the traffic congestion; the community is working very hard to bring business into the west side of town; the traffic issues already exists and will not be impacted by the bank; concerned with the lighting and screening next to existing residential; the existing homes on the subject property are in bad shape and the bank will be an improvement.

TMAPC COMMENTS:

Mr. Ard explained that the CS zoning will have requirements regarding screening adjacent to residential and requirements will have to be met with regard to lighting.

Councilor Maria Barnes, Tulsa City Council District 4, stated that she is representing the Kendall Whittier Neighborhood, where People's Bank has been since she can remember. People's Bank is a neighborhood bank and will be an asset for the subject neighborhood.

Applicant's Rebuttal:

Mr. Reynolds stated that with regard to traffic issues and with his client gaining access to Skelly Drive, he believes it will facilitate some of the traffic and not be in the intersection. Mr. Reynolds further stated that he would be happy to meet with Mr. Galloway to explain the lighting and screening requirements.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the CS zoning for Z-7073 per staff recommendation.

Legal Description for Z-7073:

THE NORTH 129' OF THE WEST 200' OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (N/2 S/2 NW/4 NW/4) OF SECTION 34, T-19-N, R-12-E, TULSA COUNTY, OKLAHOMA, LESS AND EXCEPT THE WEST 50' OF SAID TRACT, ALL ACCORDING TO THE U.S. GOVERNMENT AND SURVEY THEREOF, **AND** THE SOUTH 100' OF THE NORTH 180' OF THE WEST 200' OF THE N/2 OF THE S/2 OF THE NW/4 OF THE NW/4 OF SECTION 34, T-19-N, R-12-E, TULSA COUNTY, STATE OF OKLAHOMA, LESS THE WEST 50' **From RS-2 (Residential Single-family District) To CS (Commercial Shopping District).**

* * * * *

h. **Z-7072/PUD-746 – Breisch & Associates, Inc.**

AG to RS-3/PUD

West of northwest corner of East 101st Street and South Garnett Road (PUD for a 14-lot single-family development.) (PD-18c) (CD-8)

STAFF RECOMMENDATION FOR Z-7072:

PUD-364-C October 1996: All concurred in approval of a proposed Major Amendment to PUD-364 on a 4± acre tract of land to allow uses permitted in an OL district for a children's nursery on property located on the northeast corner of South Mingo Road and East 97th Street South.

PUD-364-B February 1994: All concurred in approval of a proposed Major Amendment to PUD-364 on a tract of land to allow a school use and delete church use on property located on the southeast corner of East 97th Street South and South Mingo Road.

PUD-364-A July 1993: All concurred in approval of a proposed Major Amendment to PUD-364 on a tract of land to convert portions of the original PUD from multifamily residential, office, and commercial uses to commercial, single-family and church use subject to modifications to the proposed plan with Use Units 5, 6 and 11 being approved for Development Area 3 of PUD.

Z-5954/ PUD-364 January 1984: All concurred in approval of a request for rezoning a 114.7± acre tract of land from AG to RS-3/RM-0/CS/PUD for shopping, office, multi-family, townhouses and detached single-family homes on property located on the northeast corner of South Mingo Road and East 101st Street South.

BOA-11534 August 6, 1981: The Board of Adjustment approved a Special Exception to permit a church and school in an AG district (Grace Fellowship Church and School) per plot plan, subject to a subdivision plat, with the record to reflect that this is a private school and a facility of this size with school use and church use approval would not be required to be reviewed again by the Board if a facility such as a day-care center was added in the future, on property located at East 101st Street and South Garnett Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately five acres in size and is located west of the northwest corner of East 101st Street and South Garnett Road. The property appears to be in residential use and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 101 st Street	Primary arterial	120'	2 (very recently resurfaced)

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant and/or large-lot single-family residential uses, zoned AG; on the north by single-family-residential uses, zoned RS-3; on the south by residential uses in Broken Arrow, zoned R-5; and on the west by single-family residential uses, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18c Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-3 zoning is in accord with the Plan.

STAFF RECOMMENDATION:

Based on the District 18 Plan, existing development and trends in the area, staff can support the requested RS-3 zoning and therefore recommends **APPROVAL** of RS-3 zoning for Z-7072.

STAFF RECOMMENDATION FOR PUD-746:

The applicant is proposing a fourteen lot single-family development with RS-3 zoning on a 5.07 acre tract west of the northwest corner of East 101st Street South and South Garnett Road. Proposed density is in conformance with the requested RS-3 zoning and the Comprehensive Plan for District 18c. Internal vehicular and pedestrian circulation will consist of a private looped street with two gated entries to East 101st Street South. Sidewalks are proposed along both sides of the private street and along East 101st Street South.

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-746 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-746 subject to the following conditions:

1. Subject to TMAPC approval of RS-3 zoning per Z-7072.
2. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
3. Development Standards:

GROSS AREA: 5.07 AC 220,849.2 SF

PERMITTED USES:

Those uses permitted by right within RS-3 zoning districts and uses customarily accessory thereto.

MAXIMUM NUMBER OF DWELLING UNITS: 14 DU's

MAXIMUM BUILDING HEIGHT: 35 FT

MINIMUM LOT WIDTH: 60 FT

MINIMUM LOT SIZE: 6,900 SF

MINIMUM LIVABILITY SPACE PER LOT: 4,000 SF

MINIMUM BUILDING SETBACKS:

From East 101 st Street South right-of-way	35 FT
From the North Boundary	20 FT
From the East Boundary	20 FT
From the West Boundary	20 FT
From the Private Street/ Reserve (Block 1)	25 FT
From the Private Street/ Reserve (West Line Block 2)	15 FT*
From the Private Street/ Reserve (East Line Block 2)	15 FT*
From the Private Street/ Reserve (North Line Block 2)	25 FT
From Side Lot Lines	5 FT

**Garages shall be set back a minimum of 20 feet from the Private Street/ Reserve.*

VEHICULAR AND PEDESTRIAN ACCESS AND CIRCULATION:

A maximum of two vehicular access points to East 101st Street South shall be permitted. Sidewalks shall be provided along East 101st Street South and along both sides of private streets. Private streets shall be within reserve area(s); sidewalks shall be within easements or reserve area(s).

MINIMUM STREET RESERVE WIDTH: 30 FT

SIGNS:

As permitted within RS-3 districts.

4. 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.
5. 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.
6. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
7. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width 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.
8. 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.
9. 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. 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.

12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

Comments from 8/16/07 TAC:

General: A predevelopment meeting with Development Services was held on March 26, 2007.

Water: *6" hydrant required in support of hydrant.*

Fire: No comments.

Stormwater: No comments. Defer to Tulsa County for drainage to 101st Street South.

Wastewater: All lots must be served by a mainline Sanitary Sewer Extension.

Transportation: No comments.

Traffic: Some setbacks along the two N-S streets may need a note regarding a min. 20ft setback for garages due to the proposed 10ft building lines. The gate's visitor parking and turnaround looks good (2 spaces) and the call box shall be a min. of 40ft from the future curb line (6 lane primary). Minimum 30' right-of-way for private streets.

GIS: No comments.

Street Addressing: No comments.

County Engineer: Concerned with additional water released onto county ditches along 101st Street South. Would like to review drainage. Check sight distance of both access points.

MSHP: Sidewalks should be constructed if non-existing or maintained if existing.

LRTP: East 101st Street South, between Mingo Road and Garnett Road, planned 4 lanes.

TMP: No comment.

Transit: No current or future plans for this location.

Utilities: Minimum 15' utility easement along interior streets.

TMAPC COMMENTS:

Mr. Marshall asked staff why the PUD doesn't include the average lot width and square footage. In response, Ms. Tomlinson stated that it will be in compliance with the underlying RS-3 zoning requirements. Mr. Marshall reminded Ms. Tomlinson that the PUD standards are supposed to specifically state the lot width and square footage. Ms. Tomlinson agreed and deferred to the applicant.

Applicant's Comments:

Greg Carter, Breisch & Associates, Inc., 501 East Alliance Boulevard, Sand Springs, 74063, stated that the minimum lot frontage and minimum lot width was not included within the PUD because it complies with the RS-3 zoning. He commented that he doesn't have a problem with adding this language into the PUD. Mr. Carter suggested a minimum lot frontage to be 30 feet and minimum lot width of 60 feet with a minimum lot size of 6,900 SF.

After a lengthy discussion, Ms. Tomlinson suggested that the Planning Commission approve the PUD per staff recommendation and add the language for minimum lot width at 60 feet and minimum lot size at 6,900 SF, per the underlying RS-3 zoning.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** the RS-3 zoning for Z-7072 per staff recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; McArtor, Miller "absent") to **APPROVE** PUD-746 per staff recommendation, subject to adding language as follows: minimum lot width at 60 feet and minimum lot size at 6,900 SF. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for Z-7072/PUD-746:

A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION 19, T-18-N, R-14-E, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SW/4 SE/4, THENCE NORTH 387.75'; THENCE WEST 570'; THENCE SOUTH 387.75'; THENCE EAST 570' TO THE POINT OF BEGINNING; **From AG (Agriculture District) To RS-3/PUD (Residential Single-family District/Planned Unit Development [PUD-746]).**

* * * * *

i. **PUD-327-A – Eric Randall**

(PD-18) (CD-8)

7711 East 81st Street South (Minor Revision to site/sidewalk waiver request.)

STAFF RECOMMENDATION:

TMAPC approved the original detail site plan for Lot 2, Block 1, Wood Niche II on October 27, 2006, subject to provision of sidewalks. The applicant is now requesting that the sidewalk requirement be waived as part of a Minor Revision to Site application.

PUD 327-A includes two lots – Lots 1 & 2, Wood Niche II. Per the approved site plan, Lot 2 has approximately 85 feet of frontage on East 81st Street South. The west 12 feet is part of a shared access drive.

The adjacent lot to the west, Lot 1, has approximately 85 feet of frontage on East 81st Street South per the approved site plan, with the east 12 feet being part of the shared access drive. TMAPC approved this site plan (for an office building) September 16, 1992. Sidewalks were not required for approval.

On June 16, 2005, TMAPC adopted revised Subdivision Regulations for the Tulsa Metropolitan Area with the following language: “Sidewalks shall be required on both sides of residential streets and shall be established in the covenants or on the related privately funded public improvement (PFPI) project and on both sides of parkways, *arterials* and all residential collector streets. The relationship to existing and planned collector streets, trails, *topography conditions*, public convenience and *safety*, and the proposed uses of the land shall be considered in determining the requirement, arrangement, character, extent, width, grade and location of all sidewalks.” According to these regulations and City of Tulsa policy, sidewalks were required as part of the original detail site plan approval for Lot 2.

In their request for a sidewalk waiver, the applicant notes three issues: safety, topography of adjacent property to the east and the fact that no sidewalks exist on either side of East 81st Street South between Memorial and Sheridan, except for the westernmost stretch at the Sheridan intersection. Per the Subdivision Regulations, safety and topography “shall be considered” in determining the requirement for sidewalks. However, whether or not sidewalks currently exist on adjacent properties is not an included consideration.

Staff recommends **APPROVAL** of the Minor Revision to site and related waiver of the sidewalk requirement subject to TMAPC finding that the requirement for sidewalks at this location is not feasible due to topography and/or poses a threat to public safety and subject to payment of a fee-in-lieu of the sidewalks.

Ms. Tomlinson reminded the Planning Commission that staff is giving a recommended guideline, should the TMAPC wish to waive the sidewalk requirement. The Subdivision Regulations has a long list of potential reasons for waiving a sidewalk requirement and also whether or not the Planning Commission believes that is something that the detail site plan should continue to require.

TMAPC COMMENTS:

Ms. Cantrell stated that she thought this project had requested a waiver previously and it was denied. In response, Ms. Tomlinson stated that there was discussion in the minutes that were included and it mentioned that they did not

want to do the sidewalk, but the Planning Commission did approve it subject to the sidewalks being required.

Ms. Cantrell stated that she doesn't recall any discussion about the topography at that time. In response, Ms. Tomlinson stated that she can only refer to the minutes since she was not present at that meeting.

Ms. Cantrell commented that she is concerned that this request will result in more applicants requesting a waiver. Unlike the case on Harvard, she doesn't see that this is particularly a problem and she wonders what staff sees with this site that this may be problematic. In response, Ms. Tomlinson stated that she would have to refer the Planning Commission to the applicant to answer this question. In response, Ms. Cantrell asked staff if they agree with the applicant since they are making a recommendation based on safety issues. Ms. Tomlinson stated that the staff recommendation was not qualifying that it is indeed a safety issue, but giving the Planning Commission that as a potential guideline for waiving the requirement. It would be up to the applicant to present the information to the Planning Commission in order to make a determination.

In response to Ms. Cantrell, Ms. Tomlinson stated that staff's recommendation is subject to the Planning Commission finding, based on what the applicant presents, that issues of topography, public safety or other are sufficient that it should be waived. In response, Ms. Cantrell stated that if the Planning Commission doesn't find these things, then staff wouldn't recommend approval of the waiver. In response, Ms. Tomlinson answered affirmatively.

Applicant's Comments:

Danny Mitchell, 5110 South Yale, Suite 510, 74135, presented photographs of the subject property and the subject area and stated that requiring a sidewalk would not be consistent with the neighborhood. He described the drainage area to the east and stated that the land starts to slope down into the creek area. He commented that the subject property starts to fall dramatically down. (Mr. Mitchell did not submit his photographs as part of the record.) He explained that 81st Street doesn't have curb and gutter to identify to drivers when paving and streets stop. There is no protection for the public at the inlet of the drainage area. There is no access to the sidewalk because there are no sidewalks on either side of the subject property. It would be hazardous to get to the sidewalk and if going east, there is nothing to stop their fall from the drainage channel. He believes a sidewalk is inconsistent with the subject area and inappropriate since there is no potential for development on either side of the subject property to tie into the sidewalk.

Mr. Mitchell indicated that his client and Councilor Christiansen are present to speak on this application.

TMAPC COMMENTS:

Mr. Ard asked Mr. Mitchell if he knew what the grade is for the west down toward the east. In response, Mr. Mitchell stated that he doesn't know percentages, but ADA requirement for a ramp is 1 vertical unit for every 12 feet horizontal (1:12). The slope from the retaining wall, across the lot and down appears to be about four feet. He expressed concerns with children on skateboards heading east going into the drainage system. The sidewalk wouldn't be feasible to walk on if it were icy at this slope.

Ms. Cantees asked Mr. Mitchell if his client is willing to put the fees in an escrow account if the sidewalk requirement were to be waived. In response, Mr. Mitchell stated that his client is opposed to putting any funds into this account that is supposedly out there.

Ms. Cantees stated that it is an escrow account and it does exist. In response, Mr. Mitchell reiterated that his client is totally opposed to an escrow account.

Interested Parties Comments:

Councilor Christiansen, District 8, stated that he got involved in this when the "good doctor" called him. She has built a really nice building and he visited the site. Mr. Christiansen stated that he made a presentation to the City Council the other day and took some better pictures than Mr. Mitchell's. If the sidewalk were to be built and someone walking west to east would go off a five-foot retaining wall into a "no-man's-land" of brush and trees. He found it, and he believes the other City Councilors found it, interesting that the plan would be approved with a sidewalk being there because it is a safety issue. He couldn't believe a sidewalk was being required. Councilor Christiansen stated that none of the City Councilors knew of this fund that the applicant is being asked to contribute to. He understands that the fund would be in escrow until the street is improved and he is a believer in sidewalks, but he doesn't know when 81st Street from Memorial to Sheridan will be widened. To ask the applicant, who has put a really great facility in South Tulsa, to contribute to a fund when no one else along the entire stretch of road will be asked to contribute to the fund is unreasonable. He requested that the Planning Commission waive the sidewalk requirement if that is possible. He admitted that he doesn't know the rules regarding sidewalks and the fee-in-lieu. Councilor Christiansen stated that if the Planning Commission can't waive it then he will take it up with City Legal and bring it back to the Council as an item. In reality, when 81st Street is widened, then sidewalks will go in and it will be in a 3rd penny package or bond.

TMAPC COMMENTS:

Mr. Ard stated that he understood that the when the funds go into the escrow account they are not necessarily designated for this strip of sidewalk development. It is put in a City account that is used citywide for sidewalk development.

Mr. Boulden stated that he doesn't believe there have been any standards set up for this and this is new territory.

Mr. Ard stated that this is a fairly new program and the Planning Commission is trying to create sidewalks to make Tulsa a walkable city. The fee-in-lieu of is a new issue and he understood that the funds wouldn't be targeted to a specific location, but used on a city-wide basis.

Mr. Boulden stated that he understood that this was done on the case located on Harvard because it was a site that was topographically challenging. If it is challenging here, then maybe the fee-in-lieu of could be used at another location for sidewalks.

Ms. Cantrell stated that one of the problems the Planning Commission has had in the past is not consistently applying the sidewalk waiver. The Planning Commission is trying to consistently apply it so that it is not challenged and from here on out anyone building along this street would be subject to the same rules as this applicant. At some point this has to start.

Councilor Christiansen stated that he understands that, but in the process and the communication with TMAPC staff, the applicant doesn't believe the sidewalk should have ever been required because it is physically impossible to make a safe sidewalk, given the fact that it drops off dramatically on the east and there is nothing on the west. If the Planning Commissioners visited the site, then they would certainly see what he is talking about. This is an impossible area to put a sidewalk with the existing physical attributes of land around it. The applicant missed the boat that the sidewalks are required and now the Planning Commission is asking the applicant to pay a fee when the sidewalk shouldn't have been there in the first place. If the Planning Commissioners visited the site then they would have easily seen this.

Ms. Cantrell stated that she did visit the site and she would have to disagree with Councilor Christiansen. She understands that there is a ravine, but on the applicant's property she didn't see it being impossible.

Councilor Christiansen asked Ms. Cantrell if the applicant chose to put in the sidewalk would the Planning Commission have her put a stop sign on the east end of the sidewalk or a yellow triangle that says "caution do not enter" or how would the Planning Commission design it? This is the real safety issue.

Applicant's Comments:

Dr. Kathryn Beller, 7711 East 81st Street, 74133, stated that it is her understanding that if the sidewalk requirement is waived it is not based on the condition that it is a bad idea and that there is a topography hazard, but is based on if she contributes to a fund that will be used somewhere else within the City.

Mr. Ard stated that he doesn't understand Dr. Beller's statement. If the Planning Commission agrees with staff that sidewalks were a safety issue due to topography, then the requirement would be removed and the applicant would be requested to pay a fee-in-lieu to the sidewalk fund.

Dr. Beller asked if it is a requirement to pay the fee-in-lieu if the Planning Commission waives the sidewalk. In response, Mr. Ard stated that it could be a requirement, but it has not been determined yet.

Ms. Cantrell stated that in the past the Planning Commission has required sidewalks, but in the event the topography doesn't allow a sidewalk, then the Planning Commission has requested the applicant pay a fee-in-lieu for the sidewalk fund.

Dr. Beller stated that it wouldn't cost her the amount the City is quoting to put the sidewalk in.

Mr. Ard stated that Public Works Department would determine the amount necessary for fee-in-lieu. The Planning Commission doesn't determine the fee amount.

Ms. Matthews stated that the fee is based on square footage and the cost of concrete.

Dr. Beller stated that she has an estimate for a sidewalk and it is not \$2,800.00. She commented that she would rather put in the sidewalk than contribute \$2,800.00 to the fund. She explained that the City's quote is \$1,000.00 more than what it would cost her.

In response to Mr. Ard, Ms. Matthews stated that she would encourage the applicant to discuss this issue with the City because the sidewalk has to meet City standards.

Dr. Beller stated that there is no more property to develop along 81st Street and the subject property is probably the last lot.

Mr. Carnes stated that the Planning Commission has not waived the fee and once it is started then there is no reason to have a rule regarding sidewalks or fee-in-lieu.

Mr. Midget stated that there seems to be some issue about the costs and he can understand not wanting to pay \$1,000.00 more than the actual cost. He commented that he doesn't know how that would be worked out. He stated that he understands Mr. Carnes's comments about not waiving the fee and he would hope that the Planning Commission doesn't waive the fee.

Ms. Cantrell stated that the fee is not determined at the Planning Commission and when the Harvard issue came up, the Planning Commission simply waived the sidewalk for the fee-in-lieu to be determined by the City. It is not the Planning Commission's prerogative to set the amount of fee-in-lieu.

Ms. Cantees stated that she has repeatedly asked for someone to send the Planning Commission a letter and be present at the meeting to explain the fee-in-lieu. This puts the Planning Commission in a compromising position. She understands the applicant questioning where Mr. Tohlen came up with this number. She requested that someone from Public Works be present and explain the costs and if requiring the sidewalk would be dangerous in this area.

Darryl French, TAC, stated that apparently there was enough advanced warning that Public Works did place this into a memo form. The amount is determined from the City's pavement-cut project where an annual bid is done. The City does this to have a contractor available all 12 months of the year. The City takes the footages from the frontage and uses the unit cost from the official Public Works bid list and a City-approved contractor installs the sidewalk. The number in the memo is a good number and would not be changed. The escrow amount would remain the same, no matter when the sidewalk would be constructed. This is a system that was determined by the Public Works Director in order to resolve these issues where there is known to be excavation in the near future and the memo clearly states that they are already in the design stage. If there are no construction funds, then the projects would be delayed. Sidewalks will be included within this area and this gives the Planning Commission an opportunity to delay putting in a sidewalk in that might be removed needlessly later or place the dollars in escrow and eventually install the sidewalk at the appropriate time during the construction of the rest of the sidewalk system.

Mr. Ard asked if Public Works oversees the escrow account. In response, Mr. French stated that there are two or three projects that are in the process, but to his knowledge no one has actually been the first and they are still doing some design work. The intent is to create an escrow; however, Legal wants to put its final touches on it.

Mr. Ard asked if the funds are used for a specific target area that the payment was made from or if the funds are used citywide.

Mr. French stated that this has not been determined and there are two or three projects that are in the pipeline. They are still trying to put the policies together.

Mr. Marshall asked if the applicant installed the sidewalks they would have to meet the City standards. In response, Mr. French answered affirmatively. Mr. French stated that the sidewalk would be in the public right-of-way and has to meet the City standards.

Mr. Marshall asked what the City has done in the past when there is a creek close to the sidewalk as in this case. In response, Mr. French stated that a pedestrian moves four mph at a walking pace and distance would provide safety. No reasonable person would think in terms of trying to place a modern sidewalk between the drop inlet and the edge of the roadway. The applicant's property line appears to be back away from the creek. No one has determined where the actual construction of the paving would end, no matter who builds it.

In response to Mr. Marshall and Ms. Cantrell, Mr. French stated that there should not be any effort to design the sidewalk in today's meeting.

Mr. Sparks asked Mr. French what the reasons are that the City would normally require someone to pay a fee in lieu of doing the work. In response, Mr. French stated that if there was a public construction project that was forth coming or that the cross drainage was so severe that the significant retaining walls would be prohibited to maintain a safe design of a sidewalk (such as on Harvard). The Subdivision Regulations require sidewalks and the Planning Commission didn't want to waive them, but yet in some situations, common sense tells us that now is not the appropriate time to install the sidewalk. The escrow account gave the Planning Commission an extra tool to delay the sidewalk installation without waiving it.

Mr. Sparks stated that it would seem to him that if there was a point in time where one would implement something, then it would be put in escrow until that point and time. However, he doesn't see where there would ever be a point in time for a sidewalk at the subject property.

Mr. Harmon stated that a sidewalk will definitely be installed once they widen 81st Street and there will be sidewalks on both sides. There will be a point in time for sidewalks all the way from Sheridan to Memorial. The escrow would be for a future project.

Ms. Cantees asked Mr. Boulden who had the legal responsibility for the sidewalk if it is mandated that the applicant has to install the sidewalk and it is decided that it is a highly hazardous position. In response, Mr. Boulden stated that by ordinance, the owner of the property is responsible for the maintenance of the sidewalk.

Mr. Boulden stated that he remembers that in the Harvard situation there was a willing property owner who wanted to participate in the fee-in-lieu of a sidewalk. Without established policies, what should the TMAPC consider in a fee-in-lieu situation when there is no willing property owner and nothing in the Subdivision Regulations on fees-in-lieu of sidewalk requirement? He commented that he is uncomfortable with this fee requirement.

Mr. Harmon stated that if it is going to be done it has to start somewhere. In response, Mr. Boulden agreed, but he believes that policy should be drafted.

Ms. Cantrell asked if the Planning Commission waived this sidewalk without a fee-in-lieu couldn't the applicant on Harvard come back and question the fee he paid? This is the problem with doing the fee or requiring the sidewalk sometimes and not with others. It has to be consistent.

Ms. Cantees stated that when the application for LaFortune Park came through there was someone from Public Works present who indicated that there was a sidewalk waiver in place for four years. If there isn't a policy and the Planning Commission doesn't know which way they are going, she can't see how one could force this applicant to be a part of the fund.

After a lengthy discussion it was determined to continue PUD-327-A in order to allow Legal to further research the fee-in-lieu issue and determine if there is a policy in place.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **5-3-0** (Ard, Cantrell, Harmon, Marshall, Shivel "aye"; Cantees, Midget, Sparks "nays"; none "abstaining"; Carnes, McArtor, Miller "absent") to **CONTINUE** the minor revision to site/sidewalk waiver request to September 19, 2007.

Mr. Carnes out at 3:34 p.m.

OTHER BUSINESS:

Receive letter from City Council requesting amending the Comprehensive Plan for District 6 incorporating the adopted Lewis Study as amended by Lewis Avenue Corridor Neighborhood Associations and amended by the City Council.

STAFF RECOMMENDATION:

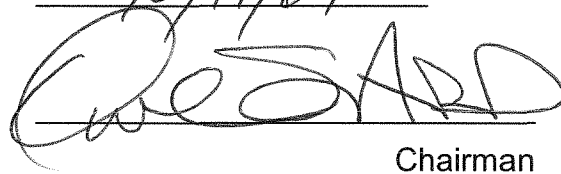
Ms. Matthews stated that this is not to reopen the public hearing at this point. Staff is looking for some direction from the Planning Commission as to how they would like staff to proceed and if they want staff to proceed. Staff could prepare amendments and give notice for the District 6 Plan Map and Text. This would require a 20-day notice. If the Planning Commission has another option then staff is willing to go along with the Planning Commission's wishes.

TMAPC COMMENTS:

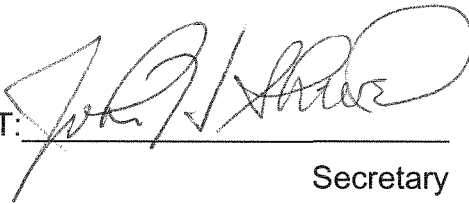
After discussion Mr. Ard directed staff to set this for public hearing and prepare the amendments for the District Plan. Mr. Ard stated that after the amendments to the District Plan is complete then the Planning Commission will have to amend the Zoning Code to make this study a usable tool.

There being no further business, the Chair declared the meeting adjourned at 3:40 p.m.

Date Approved:

10/17/07

Chairman

ATTEST:


Secretary

