

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2494**

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

Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Cantees	Alberty	Boulden, Legal
Cantrell	Harmon	Fernandez	
Carnes	Miller	Huntsinger	
Marshall	Shivel	Matthews	
McArtor		Tomlinson	
Midget			
Sparks			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 27, 2007 at 4:05 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 1:30 p.m.

**REPORTS:**

**Chairman's Report:**

Mr. Ard reported that the Planning Commissioners have received a handout for the seminar that the Urban Land Institute is holding on November 1, 2007 in Oklahoma City. Registration needs to be done by October 19, 2007. Some of staff will be attending.

**Director's Report:**

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

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

## 1. 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. **L-20131** – Sisemore Weisz & Associates (8418)/Lot-Split (PD 18) (CD 8)  
8202 South 100<sup>th</sup> East Avenue
- d. **L-20133** – Whit Mauzy, Jr. (7310)/Lot-Split (County)  
Northeast corner East 141<sup>st</sup> Street and Yale Avenue
- e. **L-20134** – Harden & Associates (8320)/Lot-Split (PD 18) (CD 2)  
Northeast corner East 95<sup>th</sup> Street and Delaware Avenue
- f. **L-20135** – Daryl Frank Taylor (2428)/Lot-Split (County)  
13015 East 136<sup>th</sup> Street North
- g. **L-20137** – City of Tulsa (0225)/Lot-Split (PD 2) (CD 1)  
252 East Tecumseh Street
- h. **L-20139** – Anita Saiymeh (0316)/Lot-Split (PD 16) (CD 3)  
4130 North Winston
- i. **L-20140** – Sisemore Weisz & Associates (9430)/Lot-Split (PD 18) (CD 5)  
9720 East 47<sup>th</sup> Place South
- j. **L-20141** – Harden & Associates (8327)/Lot-Split (PD 26) (CD 8)  
4932 East 105<sup>th</sup> Street
- k. **LC-68** – Sharon Wann (9319)/Lot-Combination (PD 6) (CD 9)  
3631 South Utica Avenue
- l. **Z-7008-1b** – Charles Norman (PD 8) (CD 2)  
Southeast corner of West 71<sup>st</sup> Street South and South  
Olympia Avenue (Minor Amendment – Tulsa Hills)

Mr. Ard indicated that 1.a. and 1.b. should be removed from the consent agenda.

The Planning Commission considered the consent agenda.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget Miller, Shivel "absent") to **APPROVE** the consent agenda Items 1.c. through 1.l. per staff recommendation.

**1. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

- a. **Langston University 1** – (0236) Final Plat (PD 2) (CD 1)  
 Southwest corner of East King Street and North  
 Greenwood Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 4.61 acres.

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

- b. **Langston University 2** – (0236) Final Plat (PD 2) (CD 1)  
 Southeast corner of East Jasper Street and North  
 Greenwood Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 3.21 acres.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **5-0-1** (Ard, Cantrell, Carnes, Marshall, McArtor "aye"; no "nays"; Sparks "abstaining"; Cantees, Harmon, Midget, Miller, Shivel "absent") to **APPROVE** the final plat for 1.a./Langston University 1 and 1.b./Langston University 2 per staff recommendation.

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**2. PUBLIC HEARING**

**Application No.:** Z-7059/PUD-740 **RS-1 TO RS-3/PUD-740**

**Applicant:** Sisemore Weisz & Associates, Inc. (PD-18) (CD-8)

**Location:** Southwest corner of South Canton Avenue and East 93<sup>rd</sup> Street

**STAFF RECOMMENDATION:**

**Z-6759 July 2000:** All concurred in approval of a request for rezoning a 3± acre tract of land from RS-1 to RS-3 for single-family development, on property located on the northwest corner of Eat 93<sup>rd</sup> and South Darlington.

**Z-6615 February 1998:** All concurred in approval of a request to rezone a .54-acre tract located south of the southwest corner of East 91st Street South and South Yale Avenue from RS-1 to RS-3.

**PUD-580 December 1997:** All concurred in approval for a proposed Planned Unit Development on an 18-acre tract located east of the southeast corner of East 91<sup>st</sup> Street South and South Darlington Avenue, for a church and multifamily use.

**BOA-17795 August 26, 1997:** The Board of Adjustment approved a Special Exception for a Use Unit 4, for an electric substation per alternative plan and subject to Stormwater Management approval and to landscaping and screening requirements on property located and the subject property.

**Z-6441 May 1994:** All concurred in approval of a request to rezone a 17.8-acre tract located south and east of the southeast corner of East 91<sup>st</sup> Street South and South Yale Avenue, from RS-1 to RS-3.

**PUD-501 August 1993:** All concurred in approval of a request to rezone an 8.4-acre tract located south of the southeast corner of East 91<sup>st</sup> Street South and South Yale Avenue and abutting the subject property to the north from RS-1 to RS-1/PUD for a residential development.

**Z-5910/PUD-350 May 1984:** All concurred in approval of a request to rezone a 51-acre tract located south and east of the southeast corner of East 91st Street South and South Yale Avenue, from AG/RS-1 to RS-3/PUD.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 4.87 acres in size and is located at the southwest corner of South Canton Avenue and East 93<sup>rd</sup> Street (between South Braden and South Canton). The property is in large-lot single-family use and is zoned RS-1.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Canton Avenue	N/A (County road)	N/A	2
South Braden Avenue	N/A	N/A	2
East 93 <sup>rd</sup> Street (county road)	N/A	N/A	2

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

**SURROUNDING AREA:** The subject tract is abutted on the east by single-family residential uses, zoned RS-1; on the north by single-family residential uses, zoned RS-3; on the south by a large electrical substation, zoned RS-1; and on the west by a large-lot single-family residential use and vacant land, zoned RS-1.

**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 being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-3 zoning is in accord with the Plan. However, the Plan contemplates that development will occur in the area south of East 93<sup>rd</sup> Street and that it will be of similar intensities and uses to those proposed here.

**STAFF RECOMMENDATION FOR Z-7059:**

**For original submittal:**

Although the requested rezoning to RS-3 is conceptually in accord with the District Plan, the details of the accompanying PUD indicate that the private streets will not be built to City of Tulsa standards and the vehicular circulation system shows no connectivity with existing and/or approved adjacent roads. This is inconsistent with existing and planned development east and west of the proposed site. The primary access to the site will be from two substandard streets, Braden and East 93<sup>rd</sup>. The latter is a County road. If this development is allowed to proceed as proposed, the only access would be from the previously-mentioned substandard East 93<sup>rd</sup> Street, south along South Canton, perhaps past the Creek Turnpike to substandard South Braden Avenue. Because of this limited access, staff cannot support the increased density that RS-3 would allow. The proposed development would effectively create an island that would be separated from adjacent development. This is a poor urban planning practice and staff recommends **DENIAL** of RS-3 zoning for Z-7059.

**For revised submittal:**

It appears that the concerns raised in the initial recommendation have been addressed in the revised PUD and if the TMAPC deems it appropriate to recommend approval of that, staff now recommends **APPROVAL** of the requested RS-3 zoning for Z-7059.

**STAFF RECOMMENDATION FOR PUD-740:**

The proposed development, Decatur Park, is an eighteen lot, three blocks, single-family residential project located at the southwest corner of East 93<sup>rd</sup> Street South and South Canton Avenue. Presently, the subject 4.352 acre site contains an existing single-family dwelling and miscellaneous outbuildings which will be razed prior to development of the proposed subdivision.

The principal point of access to the proposed development will be from East 93<sup>rd</sup> Street South from which a public street (South Braden Place East) will extend into the development and stub into the adjacent vacant property to the west



MINIMUM BUILDING SETBACKS:

Front:

From internal streets:

Dwelling 15 FT

Garage 20 FT

From South Canton Avenue 25 FT

*No lots to front East 93<sup>rd</sup> Street South.*

Side:

From East 93<sup>rd</sup> Street South 17.5 FT

From Reserve "A" 11 FT

Interior lot lines 4 FT

Rear:

All lots 17.5 FT

MAXIMUM BUILDING HEIGHT:

35 FT\*\*

*\*\*Architectural features (i.e.: chimneys, cupolas) may exceed permitted height as provided in Section 208 of the City of Tulsa zoning code.*

MINIMUM LIVABILITY SPACE PER LOT:

1,700 SF

MINIMUM OVERALL LIVABILITY SPACE:

72,000 SF\*\*\*

*\*\*\*Includes all of Reserve "A" and livability space within individual lots. (Minimum 41,400 SF open space required in Reserve "A".)*

OFF-STREET PARKING:

As required per applicable use unit of the City of Tulsa zoning code.

ACCESS AND CIRCULATION:

Access shall be provided in substantial conformance with the Conceptual Site Plan, Exhibit "B" (dated September 21, 2007), including a public street stub to the adjacent undeveloped residentially zoned property to the west. Sidewalks shall be provided on all streets, including the south side of East 93<sup>rd</sup> Street South, both sides of South Braden Place East and the associated private stub, both sides of East 94<sup>th</sup> Street South and the west side South Canton Avenue.

4. 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.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.

6. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
7. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
8. 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.
9. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
10. 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.

**TAC Comments from September 20, 2007:**

**General:** No comments.

**Water:** An extension of the water main along the side lot lines will require approval. Lot 3 does not have access to the water main.

**Fire:** Alternative turnarounds may be a one hundred and twenty (120') feet hammerhead or a sixty feet (60') "Y". The 75' hammerhead is unacceptable. *(Concept Plan, Exhibit "B", modified per this comment.)*

**Stormwater:** No comments.

**Wastewater:** Sanitary sewer service must be provided to all lots within the proposed subdivision.

**Transportation:** Sidewalks required along both sides of all interior streets, and along the south side of E. 93<sup>rd</sup> St & along the West side of S. Canton Ave.

**Traffic:** Maintain standard R/W 12ft behind the curb adjacent to L-3, BK-3. Delete the label "Street Main. (S.M.)" from the easement shown adjacent to both Public Streets and specify same on both sides of the Private Street. Specify Construction Standards for the Private Street within the PUD's Development Standards. Include language for the Maintenance of the small Private Street.

**GIS:** No comments.

**Street Addressing:** No comments.

**County Engineer:** No comments.

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

**LRTP:** S. Yale Ave, between 101<sup>st</sup> St. S. and 91<sup>st</sup> St. S., existing 6 lanes. Sidewalks should be constructed if non-existing or maintained if existing.

**TMP:** No Comment

**Transit:** No current or future plans for this location.

**Mr. Midget in at 1:42 p.m.**

**Applicant's Comments:**

**Roy Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, 74103, stated that he is in agreement with staff recommendation. Mr. Johnsen explained that the Fire Department didn't have a problem with South Braden Place East not having a cul-de-sac since there are only two lots deep and they would be able to reach the buildings on the lots, therefore a turnaround is not necessary. He described the street as a driveway that is shared by two lots. A cul-de-sac causes a lot of pavement that is unnecessary in this situation.

Mr. Johnsen explained the history of this application and final concept.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Miller, Shivel "absent") to **APPROVE** the RS-3 zoning for Z-7059 per staff recommendation.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Miller, Shivel "absent") to **APPROVE** PUD-740, subject development standards and conditions per staff recommendation.

**Legal Description for Z-7059/PUD-740:**

THE NORTH 528' OF THE WEST 423' OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NE1/4 SW1/4 NW1/4) OF SECTION 22, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT THE NORTH 50' AND THE EAST 25' FOR ROADWAY From **RS-1 (Residential Single Family District) To RS-3 (Residential Single Family District/Planned Unit Development [PUD-740])**.

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**Application No.: PUD-327-A**

**MINOR REVISION TO SITE  
SIDEWALK WAIVER REQUEST**

**Applicant:** Eric Randall/Dr. Beller

(PD-18) (CD-8)

**Location:** 7711 East 81<sup>st</sup> Street South

**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 81<sup>st</sup> 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 81<sup>st</sup> 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 81<sup>st</sup> 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.

**TMAPC COMMENTS:**

Mr. Ard stated that this application had been continued from the previous meeting so that Mr. Boulden could research the existence of the account for fees-in-lieu of sidewalks. Mr. Ard asked Mr. Boulden to brief the Planning Commission on his findings.

Mr. Boulden stated that there is no official policy that has been established by Public Works on this issue. The suggestion of a fee-in-lieu of sidewalks was something that Mr. Hardt offered at a committee meeting regarding this particular development as an alternative. He believes that Public Works is in the process of development a policy, but it is not yet in place.

Mr. Ard asked Mr. Boulden if the City maintains a sidewalk fund that these fees could go into. In response, Mr. Boulden stated that it is not done in accordance with a specific policy, but on a case-by-case basis. In this particular case, the fee-in-lieu of sidewalks was offered as a compromise.

Mr. Ard stated the Planning Commission only considers issues on a case-by-case basis. If the Planning Commission is going to allow and continue to process alternatives to construction of a sidewalk, he asked if it is on solid ground by requiring a fee-in-lieu of a sidewalk and that money would go to that sidewalk fund. In response, Mr. Boulden stated that he would anticipate that the motion could be “...the Planning Commission requires a sidewalk or in the alternative, if an arrangement could be made with the City of Tulsa, a fee-in-lieu of construction of a sidewalk at this particular location.” Mr. Boulden stated that he believes the Planning Commission could have a motion where the sidewalk is actually required, but not require it immediately and allow the applicant to postpone the construction by depositing the money to do this later. This is consistent with the Planning Commission’s policy and it is only matter of timing.

Mr. Ard asked Mr. Boulden if he believes the Planning Commission is on solid ground to proceed with requiring the sidewalk, or in the alternative allowing the applicant to pay a fee-in-lieu of the sidewalk until such time the City improves the street and installs the sidewalk. In response, Mr. Boulden stated that he believes this a valid position for the Planning Commission to take. The Planning Commission wouldn't be waiving the sidewalks.

Mr. Boulden stated that the Planning Commission is not imposing and the regulations do not allow the Planning Commission to impose a fee-in-lieu of, but are requiring the sidewalk and allowing an option to be worked out with the City of when it goes in.

Mr. Alberty stated that he believes that this has been adequately discussed and explained. He would have the same position as Mr. Boulden that the Planning Commission is not waiving the sidewalk requirement, but allowing the delaying of the construction due to topographical or other unforeseen physical conditions that would prohibit construction of it at this time. The other requirement, not only as a Subdivision Regulations, but the PUD Chapter, requires in the development plan submittal vehicular circulation but also pedestrian circulation. That requirement is further reinforced in the PUD ordinance under the Zoning Code. When the detail site plan is reviewed is when this is required. This has been aired and discussed and everyone understands the position. Obviously the applicant is objecting to the requirement and that is something that will have to be worked out beyond the Planning Commission. The Planning Commission has the sole authority to require it.

**Applicant's Comments:**

**Danny Mitchell**, 5110 S. Yale, Suite 510, 74135, representing Dr. Kathryn Beller, cited a brief history of the location and history of the PUD. In 2006, a site plan was filed for the subject property and he was informed that due to the length of time since the last approval of the detail site plan that it would have to be resubmitted. He resubmitted and at that time he was informed that a sidewalk would be required. He objected at the TMAPC hearing and due to the time constraints to proceed, he went forward. He asked what has changed since 2000 (original filing) and 2006 that would require a sidewalk on this site. The Planning Commission adopted new Subdivision Regulations and those regulations do require sidewalks for new subdivisions. Mr. Mitchell read from the Subdivision Regulations. Mr. Mitchell read from the Zoning Code regarding pedestrian circulations being required, which would apply for new PUDs. This is an existing PUD and an existing subdivision that was approved prior to these regulations. By the previous acts of TMAPC, a sidewalk was not required and he is not sure how a new regulation imposes on a previously approved PUD. It was asked at the last hearing what would happen with the slope across the front of the subject property with a sidewalk. From the east side of the driveway to the east property line (72 feet) the grade drops 5.3 feet and east ten more feet it drops another 14 inches and then into the drainage channel. This exceeds the

requirement of both the American's with Disabilities Act and the ANTSY standards, which are a part of the building code in Tulsa.

Mr. Mitchell stated that he has several reasons why he believes that the sidewalk requirement should be waived. The adjacent building does not have a sidewalk to the west and to the east is a drainage channel. A sidewalk in this location would connect to nothing. Preliminary design work is underway to widen 81<sup>st</sup> Street and if a sidewalk is installed now, it would be taken out when the street is widened. The slope exceeds the recommendations and requirements for handicap access in this location. He believes that the sidewalk would endanger the health, safety and welfare of the general public. His client has told him as recently as yesterday that she would not contribute to a general fund or a sidewalk fund. He requested that the Planning Commission grant the waiver of the sidewalk requirement.

**TMAPC COMMENTS:**

Mr. Marshall reminded Mr. Mitchell that back on October 06 when he was before the Planning Commission he stated that he was against the sidewalk plan, but if the Planning Commission approves a sidewalk, then he would put it in. Mr. Marshall asked Mr. Mitchell what has changed from that time to change his mind after agreeing to put in the sidewalk. The Planning Commission expects him or his client to install the sidewalk after it was agreed to. In response, Mr. Mitchell stated that at the time the sidewalk was imposed in 2006, he was under the impression that there might be some standards that required it and since that point in time and investigating it further, he doesn't find an ordinance or a Code that requires a sidewalk in an existing PUD and subdivision.

Mr. Marshall asked Legal to address Mr. Mitchell's claim that this is an existing PUD and there are no ordinances to require a sidewalk or in essence that it is "grandfathered in". In response, Mr. Boulden stated that he disagrees with Mr. Mitchell's interpretation.

Mr. Boulden asked Mr. Mitchell how he was providing pedestrian circulation on the subject property. In response, Mr. Mitchell stated that within the property itself, he is providing for adequate pedestrian circulation as based on the approval. There is no question about the pedestrian circulation within the property. Mr. Boulden asked Mr. Mitchell if the sidewalk would be within his property. In response, Mr. Mitchell answered negatively. In response, Mr. Boulden stated that the sidewalk is within a right-of-way of the public, but it is on the subject property that is owned by the developer. Mr. Mitchell disagreed and stated that it is a dedicated street but it is not within what is commonly defined as the property lines of what they purchased. In response, Mr. Boulden stated that he disagrees and believes that it will be on the property owned by the developer. The public has an easement and the Planning Commission is requiring a public access across that easement by providing pedestrian access with a sidewalk. Perhaps this would an issue that will be settled later in court. Mr. Boulden

continued and stated that the Planning Commission regulations, not only the ordinances, require that pedestrian circulation be addressed, but he does believe that the Planning Commission's Subdivision Regulations require the developer to provide that. There is also a general provision with a general statement that is provided in Section 4.1 (Mr. Boulden read the section). Mr. Boulden stated that he relies on Section 4.1 to give the Planning Commission a more general ability to impose sidewalk requirement here and in addition to what is provided in the ordinances.

Mr. Ard asked Mr. Boulden if the PUD was approved in 2000 there was a pedestrian circulation requirement in the PUD guidelines at that time. In response, Mr. Boulden stated that it was in the ordinances in 2000.

Mr. Marshall asked if the fact that Mr. Mitchell is stating that the sidewalk requirement was not in the covenants in 2000, there is any distinction there. In response, Mr. Boulden stated that this is an argument the Planning Commission heard in the NAIW case and the fact was the Planning Commission never required this to be specifically addressed in the PUD covenants. It has always been required by the ordinances and it has also been addressed to be provided in the detail site plan, which is after the plat has been filed. Simply because it was not included in the covenants for the plat does not mean that it goes away and it is addressed in some other way.

**Interested Parties Comments:**

**Greg Jennings**, 2260 South Troost, Tulsa, 74114, asked for a clarification from staff regarding the aspect of the Subdivision Regulations and that didn't come into affect in 2005, but has always required sidewalks and has simply been ignored or waived until the City and staff started enforcing this aspects of the Subdivision Regulations.

Mr. Alberty stated that it is correct that the sidewalk requirement has been in the Subdivision Regulations since 1978 and it has been inconsistently applied. The June 16, 2005 Subdivision Regulations update is where the wording was strengthened with regard to sidewalks. This has been the "D-day" with regard to requiring sidewalks. There have been many questions about the sidewalk requirement and referring to June 16, 2005. The PUD ordinance was adopted in 1975 and it requires pedestrian circulation. This is requirement that has not been consistently addressed until now. In response, Mr. Jennings stated that the 2000 PUD reference by Mr. Mitchell is not a moot point.

Mr. Jennings cited history from the October 25, 2006 meeting minutes regarding the subject property and the agreement from the applicant to install sidewalks. Mr. Jennings read from the TMAPC minutes of October 25, 2006 meeting.

Mr. Jennings stated that the Mr. Mitchell mentioned the safety of the citizens. Mr. Jennings read an article from the Tulsa World regarding obesity and the benefits

of walking for exercise. By not having sidewalks, Tulsa has unhealthy people, a lack of economic development and children growing up to be extremely obese. This month is International Walk to School Day and he would like to know where the children who live around 81<sup>st</sup> Street will be able to participate because there are no sidewalks.

Mr. Jennings read an additional article from the Tulsa World regarding Tulsa Transit and how their numbers are increasing. The article described how more people riding buses will improve the quality of air. Mr. Jennings stated that people have to have sidewalks to reach the bus stops. Access to buses is through sidewalks.

Mr. Jennings submitted photographs of the subject property (Exhibit A-1) showing the boundaries and where the sidewalk would be installed. Mr. Jennings commented that Mr. Mitchell's photographs do not truly depict the slope of the subject property or where the subject property ends. He commented that his pictures do not show a steep slope as the applicant claims it to be. According to his pacing, five feet from the edge of the parking lot is approximately where the utility boxes are located and the drainage ditch is 35 feet on the other side of the subject property and it doesn't make sense to base a decision on something that is not on the subject property or even close to it.

Mr. Jennings refers to the letter from Public Works citing the amount of money it would require to put in a sidewalk. The letter also states that Public Works agrees that a sidewalk should be installed at the subject property. It is not the Planning Commission's job to either determine the amount or design the sidewalk. The only thing the Planning Commission should determine is whether a sidewalk should be installed at the subject property. This subject property is borderline on whether there should be alternatives applied to the situation. No one has ever objected to fee-in-lieu of until this applicant.

Mr. Jennings stated that he doesn't know how it would be possible for a sidewalk to be incompatible with the neighborhood. It is impossible to predict that no other development will occur along 81<sup>st</sup> Street. The argument that it is "a sidewalk to nowhere" has been put forth by several developers and the fact that a sidewalk may not connect to another sidewalk at this point and time means that they do not have any foresight. This is not the TMAPC here-and-now commission it is the TMAPC that plans for the future. The statement that there is a street widening project in the subject area planned may or may not happen. The City tries to save money and does not always tear up the sidewalks to widen the street in order to save costs. The project referred to by the applicant is a decade away from being done.

Mr. Jennings cited history of development at One Utica Square, where the same objections arose regarding a sidewalk. A few months ago the property due north of One Utica Square recently went before the Board of Adjustment with the same

arguments and it simply isn't true because now One Utica Square will have a sidewalk for the property to the north to connect to and this is for a school where children will need to walk to school. It takes years for sidewalks to connect throughout the City and it is done one foot at a time, one project at a time, one development at a time.

Mr. Jennings addressed the fairness of requiring the applicant to install a sidewalk because there are no other sidewalks in the subject area. It is not fair that the previous TMAPC members, staff, City Council and previous developers have allowed this provision to be waived. Look where it has gotten the City of Tulsa now. He also blamed the citizens for not stepping up and stating that it isn't right to not have sidewalks. This is unfair to handicapped and disabled people who are unable to get off of their streets because there are no sidewalks. It is unfair to our aging population and parents with children who might want to push strollers somewhere and unfair to bus riders. It is unfair to the Tulsa Transit, who spends 80% of their budget picking up people with disabilities, because even if they wanted to try to get to a bus stop, they couldn't because there are no sidewalks leading to them. The waiving of sidewalks needs to stop and all the arguments the developers use are untrue. It is time to plan for the future so that our children will have somewhere to walk and their kids will have somewhere to walk.

**Applicant's Rebuttal:**

Mr. Mitchell stated that he doesn't disagree that sidewalks within an overall pattern are an excellent benefit to the City, Community and the neighborhood. Mr. Mitchell cited the surrounding and neighboring properties and stated that it would be more beneficial to put sidewalks on the north side of 81<sup>st</sup> to connect major stretches of roadway as a public improvement when the widening takes place. A sidewalk in front of the subject property would be an isolated piece. He believes that his reasons for requesting a waiver is valid and request that the Planning Commission make that consideration.

**TMAPC COMMENTS:**

Ms. Cantrell stated that she visited the property twice and didn't see anything about the subject property that prevents putting in a sidewalk. This is not like the Harvard property where the fee-in-lieu was accepted due to severe topography issues. This is a no-brainer and there is no reason to not put in the sidewalk. The argument that it is isolated has been shot down in the past and the Planning Commission can't base this on the fact that there are no other sidewalks because tomorrow there might be. It has to start somewhere and if it isn't required today, it can't be required tomorrow. Ms. Cantrell indicated that she would not vote to waive this requirement.

Mr. McArtor stated that he thought that this waiver had already been denied once. In response, Mr. Ard stated that a waiver request was brought forward and then it was continued so that Legal could bring information relating to the fee-in-

lieu of sidewalks fund. Ms. Cantrell stated that one year ago the Planning Commission did deny the applicant's request to waive the sidewalks.

Mr. Alberty stated that he doesn't believe the first application actually requested a waiver, but it was approved with a sidewalk requirement. What is before the Planning Commission today is a resubmittal asking for a revised site plan approval that is minus the sidewalk. The first application didn't show a sidewalk either, but the sidewalk requirement was a part of the conditions of approval.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Miller, Shivel "absent") to **DENY** the minor revision to site/sidewalk waiver request for PUD-327-A.

\* \* \* \* \*

**Application No.: PUD-411-C**

**DETAIL SITE PLAN**

**Applicant:** Sack and Associates

(PD-26) (CD-8)

**Location:** East side of South 84<sup>th</sup> East Avenue between East 97<sup>th</sup> Street South and East 98<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for an automotive storage site (preparation for sale) associated with an auto dealership. The proposed use, Use Unit 17, is in conformance with Development Standards of PUD-411-C.

The proposed site complies with setbacks, minimum landscaped area and provides the minimum 15-foot landscaped buffer (and trail easement) as required by development standards. Proposed lighting complies with development standards and the zoning code per application of the Kennebunkport Formula. Sidewalks along East 97<sup>th</sup> Street South, South 84<sup>th</sup> East Avenue and East 98<sup>th</sup> Street South are provided as required.

A six-foot wood screening fence is proposed along the east boundary adjacent to residential single-family as required by development standards. (There is an existing eight-foot masonry wall on the residential side of the common boundary. Because it is on private property it does not meet the screening requirements for the commercial property.)

Finding that the proposed site plan (revised to include parking notes) complies with development standards and the zoning code staff recommends **APPROVAL** of PUD-411-C detail site plan.

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

**TMAPC COMMENTS:**

Ms. Cantrell asked if the trail will be going through the subject property. In response, Ms. Tomlinson stated that in this case there is a ten-foot easement that runs along the east boundary and the fence would not interrupt the trail.

Mr. Marshall stated that he would like to go over the lighting situation for the subject property. In response, Ms. Tomlinson stated that the PUD lighting standards in terms of height were established at the initial PUD. What the applicant is proposing is in compliance with the development standards for that height and they have supplied a lighting plan, which is required, with the application of the Kennebunkport Formula. Per the plan, the applicant has provided they have demonstrated that they will meet the light trespass concerns. However, the proof will be when the lights are actually installed and turned on. If once the lights are powered up and they trespass, then it is not in compliance and will have to be resolved before getting an occupancy permit.

**Applicant's Comments:**

**Ted Sack**, 111 South Elgin, 74120, stated that he is in agreement with staff's recommendation. He commented that the lighting plan meets the Kennebunkport Formula according to the lighting consultant. Most of today's lighting fixtures provide cutoff shields that allow strict control over the lighting elements.

**TMAPC COMMENTS:**

Mr. Marshall asked Mr. Sack if he met with the neighbors. In response, Mr. Sack stated that he and Mr. Norton met with the neighborhood and they were at the minor amendment hearing as well as having communications with them since the meeting.

Mr. Ard asked Mr. Sack if he intends to install a six-foot wood fence against the eight-foot masonry fence. In response, Mr. Sack stated that he is discussing that with Mr. Norton and will possibly return with a minor amendment to add additional landscaping. His client is granting a 15-foot easement along the east side to allow the City to install the trail system that will go up to the Creek Turnpike Trail system. Mr. Ard stated that if he were a neighbor, he would prefer to have some trees over the wall rather than a six-foot wood fence backing up to the eight-foot masonry wall. In response, Mr. Sack stated that it is a matter of cost and time at this point. His client doesn't have time to go through a minor amendment at this time and still get this project underway.

Ms. Cantrell stated that she hopes Mr. Sack encourages his client to do the landscaping rather than the six-foot wood fence. Two fences abutting each other allows opportunity for trash and weeds to collect.

**Interested Parties Comments:**

**Matt Hudspeth**, 9536 South 85<sup>th</sup> East Avenue, 74133, stated that he is concerned about a wood fence being installed against the masonry wall. A wood fence could provide access over the masonry fence into the neighbor's backyards. It is currently impossible to get over the eight-foot masonry fence, but if a wood fence is abutting it one could climb over the wood fence onto the masonry fence. He expressed concerns regarding maintenance of weeds and grass that would grow up between the two fences.

Mr. Hudspeth stated that currently there are employees of Jim Norton parking their cars on both sides of South 84<sup>th</sup> East Avenue and North of East 97<sup>th</sup> Street South. It leaves room for one car to travel along these streets and causes problems at the stop sign regarding visibility. He asked if the subject project would provide parking for the employees to get the cars off of the street.

**Applicant's Rebuttal:**

Mr. Sack stated that he didn't discuss employee parking on the subject lot. The purpose of the lot is for a make-ready site and will provide a lot of parking for vehicles that are presently being parked on the Jim Norton Toyota site, which will make space available for their employees. Mr. Norton is aware of the street parking issue and that is one of the reasons why the subject property was purchased. Unloading vehicles and the transports has to be done on a public street and the subject lot will provide a place for this to be done. The Toyota lot has been renovated and construction vehicles have taken up a lot of the parking areas. Now that the renovation is complete it will free up some space.

Mr. Ard requested that Mr. Sack make Mr. Norton aware of the street parking issues and possibly meet with the neighborhood to work out some of these issues.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Miller, Shivel "absent") to **APPROVAL** the detail site plan for PUD-411-C per staff recommendation.

\*\*\*\*\*

**Spring Hill Farms – (7331)**

(County)

West of the southwest corner of East 171<sup>st</sup> Street South and Lewis Avenue  
(Preliminary Subdivision Plat)

**STAFF RECOMMENDATION:**

This plat consists of 70 lots, nine blocks, five reserves on 80.24 acres.

The following issues were discussed September 20, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-745 (RS). All PUD conditions must be met. The County Commission has approved the PUD per a trails and sidewalk exhibit (attached) and with a collector street shown for future phases of development (map attached). Trails need to be per transportation planning standards.
2. **Streets:** Show limits of no access restrictions along the Arterial. Discuss four-legged intersection with County Engineer.
3. **Sewer:** Out of service area. Aerobic systems are proposed.
4. **Water:** Rural Water District # 2 will serve water.
5. **Storm Drainage:** Please label each Reserve Area, A-E, as “Stormwater Detention Facility”. If the streets are private, then the public drainage structures crossing under them should be placed in “storm sewer easements”. Overland drainage easements (ODE’s) may be required, dependent upon the elevation contours draining water towards the site. These required contours were not included, so it is not possible to determine the need for ODE’s. Are there floodplains on this site? If so, they need to be shown and labeled. Standard language for ODE’s may need to be added. The language for the stormwater detention maintenance in the Reserve Areas should be the totally inclusive standard language. The Homeowners’ Association does not, and should have the right to bill for that maintenance and to file prorated liens against each lot if the bill is not paid. Elevation contours are required to be included on this plan. Placing a six-inch waterline through the headwall of 8X6 foot RCB (reinforced concrete box – culvert under the road) drainage structure is not recommended.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** This is outside of Cox Cable service area. Additional easements will be needed. Include ONG in covenant standard language. Clarify reserves versus utility easements.

7. **Other: Fire:** Out of City. An appropriate Fire Department release will be required.

**GIS:** Please provide the e-mail address for the surveyor. Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to a labeled point of beginning (POB). Give a basis of bearing for the plat's survey using degrees, minutes and seconds.

**General:** Correctly name all streets.

**County Engineer:** Show Limits of No Access along north boundary where appropriate. Street names and addresses will be assigned by E-911, to be placed on face of plat. Show "171<sup>st</sup> Street South" along north edge of plat. Show lot sizes in square footages. Provide driveway culvert sizes on lots or in a table. Restricted water line easement noted in covenants is not shown on plat. Need language to allow utilities in Reserve areas or utility easements across reserves. Change language to reflect public streets. Minimum front yard setback should read "from property line" or should be 55 feet from centerline of street. There are two Section III. Collector design and location to be approved by Tulsa County Engineer. Sidewalks will be needed to access trail system. May need access easements or extension of Reserves between lots to provide access to trails at appropriate locations, depending on sidewalk plan. Need drainage easements between Lots 4, 5, 8 and 9, Block 2, and between lots 28 and 29, Block 1. Drainage easement locations may be a good place to combine access to trails, if needed.

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

**Waivers of Subdivision Regulations:**

1. A waiver to standard sidewalk requirements is needed per the approved trails/sidewalk plan.

**Special Conditions:**

1. The concerns of the Public Work 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 it appears that the County Engineer has recommended that there be no sidewalks along the arterial street and she is not sure that staff can agree with that at this time.

**TMAPC COMMENTS:**

In response to Ms. Cantrell, Mrs. Fernandez stated that it was approved that arterial and internal streets would need sidewalks unless a sidewalk waiver is approved by TMAPC and the County Engineer views this otherwise. Mrs. Fernandez stated that she believes that that time there was no concrete plan shown for the PUD regarding sidewalks.

**Applicant's Comments:**

**Ricky Jones**, Tanner Consulting, LLC, 5323 South Lewis Avenue, 74105, stated that there was a plan shown during the PUD approval. Mr. Jones explained that approximately six weeks ago the PUD was approved by the Planning Commission and noted at that time that he would like to the ability to work with the County Engineers and the County Commission to work out the alternate location for the collector street, which has been done, and also work out an alternative plan for sidewalks. He explained that there will be sidewalks, but not through the whole subdivision, but there will be approximately 1800 feet of a private trail system. Mr. Jones indicated that he met with the County Engineers, Ray Jordan and Tom Raines, and came up with a plan and that plan was presented before the County Commission at the PUD hearing. The County Commission approved the plan at that time.

Mr. Jones described the subdivision as a rural subdivision and he believes that there are times and places for sidewalks. He indicated that the subject project is a low density subdivision with 65 lots on 80 acres and having borrow ditches. In the County there is also a problem of where to locate sidewalks. The alternate system will provide access to the trail system. Homes that back up to the trails system would put inside a gate and have access to the trail. The County Engineer's position is that they do not have a problem with someone having to walk two or three lots in distance to access a sidewalk that leads to the trail system. He requested that the Planning Commission approve the preliminary plat with the conditions and of the modification of the sidewalk/trail system plan.

**Gail Carnes out at 2:45 p.m.**

**TMAPC COMMENTS:**

Ms. Cantrell stated that there are a few streets that have a substantial number of houses and there are no sidewalks proposed for them. In response, Mr. Jones demonstrated that one would have to walk one and half lots to the east or two lots to reach a sidewalk to the west. In response, Ms. Cantrell stated that it is assuming that one wants to go to the trails. What if a person wants to go to the arterial street to reach a bus and was forced to walk past five houses to reach that street? In response, Mr. Jones stated that he doesn't own the property back to the west. He indicated that there is a stub street to the west.

Ms. Cantrell stated that there are places within the proposal where there are no sidewalks except to get to the trails and some would have to walk in the street for a good distance before accessing the trail with the plan that Mr. Jones is proposing.

Ms. Cantrell stated that she agrees with using the trail, but she doesn't believe that there are enough sidewalks for adequate pedestrian circulation. In response, Mr. Jones stated that Mr. Jordan was adamant about not wanting a sidewalk on 171<sup>st</sup> Street. Mr. Jones indicated that Mr. Jordan stated that when a

sidewalk is needed along 171<sup>st</sup> Street, then the County will build it. Mr. Jones commented that he is caught in the middle between the County Engineers and the TMAPC regarding the sidewalks locations.

Mr. Ard informed Mr. Jones that the TMAPC and the County Engineers met last week to discuss sidewalks and the policy. Currently there is an attempt to make the sidewalk policy better.

Mr. Jones stated that if the sidewalk plan needs to be modified then he would be willing to work on it and go back to the County Engineers with it. In response, Mr. Ard stated that he agrees with Ms. Cantrell that there are not enough sidewalks for the pedestrian circulation. Mr. Ard commented that he appreciates the trail system, but he believes there are some additional streets that need sidewalks. Mr. Ard commented that there should be a plan for every lot to have access to a sidewalk or the trail because that would give pedestrian circulation to every lot and that is what the Planning Commission is charged with.

Mr. McArtor questioned Mr. Jones why the County Engineer didn't want to have a sidewalk along 171<sup>st</sup> Street. In response, Mr. Jones stated that they do not want a sidewalk there due to maintenance standpoint. The County uses road graders and mowers and the sidewalks cause problems for their maintenance. The County Engineer stated that if the sidewalk is put in do not put it on the County right-of-way. The trail is looped up to 171<sup>st</sup> Street to give as much coverage as possible. Since the subdivision is not curbed and guttered, the location of sidewalks is difficult from a horizontal and vertical standpoint.

Mr. McArtor asked Mr. Jones why the sidewalks couldn't be on the residents' sides of the borrow ditch. In response, Mr. Jones stated that the sidewalk would then be on private property and it would be up to the property owners to maintain it. The County would prefer to have it in their right-of-way in order to maintain. He indicated that the County requested that the sidewalk be up next to the street.

Mr. Jones stated that he can amend the plan, but he would like to return the amended plan to the County Engineers and get their input. He asked if he would have to amend the PUD if the Planning Commission amends the sidewalk plan. In response, Mr. Alberty stated that conditions are minimums and if the applicant adds to the condition then it doesn't have to go back. If the applicant wanted to subtract from the conditions then it would have to go back.

Mr. Ard asked why the sidewalk and the borrow ditch couldn't be flipped and move the borrow ditch next to the street, then the sidewalk. Mr. Jones stated that it could cause problems because the borrow ditch would start right next to the paving and if a car ran off of the paving then it goes directly into the ditch. Mr. Ard stated that it would better to have the car go in the ditch than run over pedestrians. Mr. Jones stated that he is only doing what the County Engineer told him to do.

Mr. Midget stated that there is a similar situation on Cincinnati and the borrow ditch is closer to the street and the sidewalk is on the other side of it. It is possible for the subject site to be designed the same way and it is safer for the pedestrians. Mr. Midget demonstrated where other sidewalks should be located in order to give more lots access to the trail system. In response, Mr. Jones stated that he believes that his developer would be in agreement with Mr. Midget's proposal, but he would like to condition it upon the County Engineer's approval. Mr. Jones expressed concerns that his plans are already submitted to the County, but if the Planning Commission is in agreement with the modifications that Mr. Midget has proposed he will walk it over to the County today. See additional sidewalks on exhibit (2.d.8) below represented in red:

Mr. Jones explained to Mr. Marshall what an aerobic sewer system is and how it should operate.

In response to Mr. Marshall, Mr. Jones stated that the trail system will be one of the first things built because it will be selling point for the subdivision. The trail will be built in accordance with the trails criteria with pressure-run packed-rock material.

**Interested Parties Comments:**

**Greg Jennings**, 2260 South Troost, Tulsa, 74114, stated that he is thrilled with the time spent on this project with regard to the sidewalks and pedestrian circulations. It sounds like the proposal from Mr. Midget will cover any concerns he had.

Mr. Jennings stated that one of the problems he has with the County sidewalk policy is that the Planning Commission is abdicating their duty as planners to the County Engineer and that is not how it is supposed to work. The County Engineer is not supposed to tell the Planning Commission that sidewalks are not supposed to be located in certain areas. It is the Planning Commission's duty to tell the engineers where the sidewalks are going and make sure that they are safe and that they meet standards. Sidewalks belong along arterial streets and the County is stating that they do not want them there due to maintenance. Tax dollars pay for the maintenance of the barrow ditches and so why don't they make the developers install sewers.

**TMAPC COMMENTS:**

Mr. Ard asked staff if they believe there should be a sidewalk along the arterial. In response, Mrs. Fernandez stated that she believes there should be a sidewalk along the arterial. However, when it should be installed she can't determine. It is her understanding that the County Engineer wants to put the sidewalks in after the roadway is improved. Her opinion is that sidewalks are needed along the arterial streets. She suggested that the Planning Commission could approve the plan with the additional sidewalks suggested by Mr. Midget. Staff can

recommend approval of the plan with the additional sidewalks suggested by Mr. Midget.

Mr. Ard asked staff if the Planning Commission could require a sidewalk on the arterial at which time it is improved. In response, Mrs. Fernandez answered affirmatively.

Ms. Cantrell asked if the Planning Commission could put a timeframe on sidewalks with a plat approval. Mrs. Fernandez stated that it is a condition and a requirement of the subdivision plat and it will need to be done.

Mr. Alberty stated that the covenants could state that the arterial sidewalks are to be provided by the County. The integrity of the requirement is maintained and will be provided by the County.

Mr. Ard asked Mr. Jones if he was in agreement with the suggestions of Mr. Midget regarding sidewalks and verbiage relating to the arterial sidewalks being installed by the County in the covenants. In response, Mr. Jones stated that he is in agreement with these conditions.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Carnes, Harmon, Miller, Shivel "absent") to **APPROVAL** the preliminary plat for Spring Hill Farms, subject to the additional sidewalks demonstrated in 2.d.8. sidewalk exhibit; subject to the covenants having language that states the County will install the sidewalks along the arterial street at some future date, subject to special and standard conditions per staff recommendation.



**The Retreat at Brookside South** – (9330)

(PD 6) (CD 9)

East of the southeast corner of East 41<sup>st</sup> Place South and Peoria Avenue  
(Preliminary Subdivision Plat)

**STAFF RECOMMENDATION:**

This plat consists of 25 lots, four blocks, on 1.96 acres.

The following issues were discussed September 20, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 744 (pending). All PUD conditions must be met. Define type of townhouse development in the covenants.
2. **Streets:** Include addresses in the lot area table. Sidewalk required along both residential streets.
3. **Sewer:** An easement must be maintained over the existing 8 inch sanitary sewer main located within Reserve A. Permanent structures, such as swimming pools, gazebos, etc., that could interfere with maintenance of the sewer line, will not be allowed. Individual lots will each have their own connection to the sanitary sewer main, and will not be allowed to share service lines. Since there will be numerous connections to the existing sewer line, the condition of the existing main must be inspected and approved by underground collections before connection permits can be issued. If the line needs to be re-conditioned, it must be accomplished at the expense of the developer.
4. **Water:** A water service connection for each lot will be required onto the city water main line.
5. **Storm Drainage:** Perryman Ditch City of Tulsa Regulatory Floodplain, both existing and proposed, must be clearly shown and labeled on the face of this plat, as well as the finish floor elevation of every building. Because the entire site is in this floodplain there should also be a bold note stating such on the face of this plat. Show and label the required compensatory storage and the "Reserve Area" overland drainage easement (ODE) locations. Add book and page number for "vacated Quincy Avenue". Add a note to the face stating that all roof drainage will be collected and piped to the public storm sewer system in reserve A. Add standard language for floodplain reserve overland drainage easements and compensatory storage easements. Add a section on roof drainage, see plat comments. Easement locations and overland drainage easements in reserve areas for all remaining floodplain, below the base flood elevation should be shown. Contours should be shown on the conceptual plan instead of the face of plat, or on both. Roof drains should be

shown as being piped to the proposed storm sewer system, which will all be public, with the exception of the roof drains and their pipes themselves. Existing and proposed floodplains should be shown and labeled with their depths of flooding, up to the BFE (100 year water surface elevation). Add depth of flooding signs in all areas below the base flood elevation.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements will be needed.
7. **Other: Fire:** No comment.

**GIS:** Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to the labeled point of beginning (POB). Along with the bearing description, give a basis of bearing for the plat's survey using degrees, minutes and seconds.

**General:** Include the PUD number and change the description to "a resub" in the title area. Include omitted dimensions for both the east and west property lines of Reserve A to reflect the small right-of-way dedication.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

**TMAPC COMMENTS:**

Mr. Marshall asked if the swimming pool has been eliminated from the plans. In response, Mrs. Fernandez stated that there are several amenities, which is usually seen during detail site plan review.

**Applicant's Comments:**

**Darin Akerman**, Sisemore Weisz & Associates, 6111 East 32<sup>nd</sup> Place, 74135, stated that to his knowledge the swimming pool will be in place. The Perryman Ditch is shown as the City of Tulsa Regulatory Floodplain area and will also affect The Retreat at Brookside North. There are certain design standards and requirements that will have to be met.

**Harold Tohlen**, Development Services for the City of Tulsa, stated that the general requirements in a floodplain are that all structures must be elevated one foot above the base flood elevation. Much of these two sites are in the floodplain (The Retreat at Brookside South and North) and must also provide conditions that will not cause any adverse impact on any of the neighborhoods adjacent to it. The applicant will have to have elevation certificates for each pieces of property.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Carnes, Harmon, Miller, Shivel "absent") to **APPROVAL** the preliminary plat for The Retreat at Brookside South, subject to special conditions and standard conditions per staff recommendation.

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**The Retreat at Brookside North – (9330)**

(PD 6) (CD 9)

East of the northeast corner of East 41<sup>st</sup> Place South and Peoria Avenue  
(Preliminary Subdivision Plat)

**STAFF RECOMMENDATION:**

This plat consists of seven lots, one block, on .595 acres.

The following issues were discussed September 20, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RM-1. Define the type of townhouse development in the covenants. Floodplain development area will result in elevated structures or compensatory storage area. Clarify Reserve A. Livability area must be calculated and meet the Zoning Code.
2. **Streets:** Add dimensions for Reserve A. Sidewalks required along both East 41<sup>st</sup> Place and Quincy Avenue. Either relocate the power pole, or the sidewalk at the north end of Quincy Avenue. Widen the mutual access easement in order to incorporate the travel area from back-of-curb to back-of-curb. Provide for a four-foot landing at the top of the HC ramp at the intersection. Relocate either the light pole or the conflicting sidewalk at its north end. Mutual access easement needs more width.
3. **Sewer:** Permanent features such as pools, walls, etc. will not be allowed within the utility easement. Individual lots will each have their own connection to the existing sanitary sewer main, and will not be allowed to share service lines. Since there will be a large number of connections required, the existing sanitary sewer line must be inspected and approved by underground collections before taps can be issued. If the line must be reconditioned, it must be accomplished at the expense of the developer.
4. **Water:** A water service connection for each lot will be required onto the city water main line.

5. **Storm Drainage:** Perryman ditch City of Tulsa Regulatory Floodplain, both existing and proposed, must be clearly shown and labeled on the face of this plat, as well as the finish floor elevation of every building. Show and label the required compensatory storage and the "reserve area" overland drainage easement (ODE) locations. Add a note to the face stating that all roof drainage will be collected and piped to the adjacent public storm sewer system. Add standard language for floodplain reserve overland drainage easements and compensatory storage easements. Add a note to the face stating that all roof drainage will be collected and piped to the adjacent public storm sewer system. Add standard language for floodplain reserve overland drainage easements and compensatory storage easements. Add a section on roof drainage. All first floor elevations should be 1 foot above the base flood elevation. Compensatory storage easement locations and overland drainage easements in reserve areas for all remaining floodplain, below the base flood elevation should be shown. Roof drains should be shown as being piped to the proposed storm sewer system, which will all be public, with the exception of the roof drains and their depths of flooding, up to the base flood elevation (BFE – 100 year water surface elevation). Add depth of flooding signs in all areas below the base flood elevation.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.
7. **Other: Fire:** No comment.

**GIS:** Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to the labeled point of beginning (POB). Along with the bearing description, give a basis of bearing for the plat's survey using degrees, minutes and seconds.

**General:** Dimension the west property line of reserve A due to the small right-of-way dedication.

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.]
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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; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Carnes, Harmon, Miller, Shivel "absent") to **APPROVAL** the preliminary plat for The Retreat at Brookside North, subject to special conditions and standard conditions per staff recommendation.

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**OTHER BUSINESS:**

**Review and possible action on: 2008 TMAPC Schedule**  
For the Francis F. Campbell Council Meeting Room

**STAFF RECOMMENDATION:**

Mr. Albery reminded the Planning Commission that City Hall is due to move and this is the schedule as it is now, pending whether or not this has to be amended as far as where the actual meeting will be held.

**TMAPC COMMENTS:**

Mr. Ard reminded the Planning Commissioners that January 2008 schedule is not the typical 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Thursday due to New Year's Holiday.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Sparks "aye"; no "nays"; none "abstaining"; Cantees, Carnes, Harmon, Miller, Shivel "absent") to **APPROVAL** the 2008 TMAPC Meeting Schedule and reserve the Francis F. Campbell City Council Room for TMAPC meetings.

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There being no further business, the Chair declared the meeting adjourned at 3:35 p.m.

Date Approved:

11/7/07  


Chairman

ATTEST:

  
Secretary