

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2568

Wednesday, December 16, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Carnes	Alberty	Boulden, Legal
Dix		Bates	Steele, Sr. Eng.
Leighty		Fernandez	
Liotta		Huntsinger	
Marshall		Matthews	
McArtor		Sansone	
Midget			
Shivel			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 10, 2009 at 1:35 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 Cantrell called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas. He further reported that INCOG staff, City Planning Department and the consultants have been working on the land use maps, going parcel by parcel to make suggestions for changes. Hopefully, this will be done within the next two weeks.

Mr. Alberty reported that a new logo sheet has been distributed to the Planning Commissioners and he would appreciate any feedback on which logo would be the best choice.

Mr. Alberty reminded the Planning Commission that the next meeting will be held Tuesday, January 5, 2010 at 4:00 p.m.

Mr. Alberty invited the Planning Commissioners to come to INCOG offices to view the land use maps.

1. Minutes of December 2, 2009, Meeting No. 2567

Stricken.

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.

3. **LS-20349** – Terry D. Cooper (6309)/Lot-Split (County)
19305 South Harvard, East of South Harvard Avenue and South of East 191st Place
4. **Timothy Taylor** – (9214) Plat Waiver (PD 9) (CD 2)
Southeast corner of West 21st Place and South Rosedale Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by Board of Adjustment case # 20997 which approved a Special Exception to allow for an industrial wastewater treatment facility in an IL zoning district. The facility is to be housed in an existing building.

Staff provides the following information from TAC at their November 19, 2009 meeting:

ZONING:

TMAPC Staff: The property has been previously platted and the new use is to be located in an existing building.

STREETS:

Sidewalks required along Rosedale and West 21st Place.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for the previously platted property.

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X

- | | | |
|-----|---|---|
| 7. | Floodplain | |
| | a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | X |
| | b) Does the property contain a F.E.M.A. (Federal) Floodplain? | X |
| 8. | Change of Access | |
| | a) Are revisions to existing access locations necessary? | X |
| 9. | Is the property in a P.U.D.? | X |
| | a) If yes, was plat recorded for the original P.U.D. | |
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | |
| 11. | Are mutual access easements needed to assure adequate access to the site? | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

6. **Request release of Deed Restriction Language** (PD 17) (CD 5)

Lots Two and Four, Block One, Interstate Park Addition, formerly Strawberry Creek Addition

STAFF RECOMMENDATION:

There was a lot-split action approved and a lot-split stamp put on a deed as shown on the attached Correction Deed # 670808. Staff has tried to research pertinent information for this property but have been unsuccessful. Of concern is the restrictive language that was put on the deed which appears to be an attempt to use part of some old lot-split rider attachment language but is totally restrictive to the sale of the property without approval of the Tulsa Metropolitan Area Planning Commission.

Staff does not find a reason for the restrictive wording as appears on the deed to be required. Any sale of the property at all, whether properly combined or split, would need Planning Commission approval per the restricting language.

Staff requests the language no longer be required or used so that normal land transactions can be approved on the property.

7. **Z-7143** –(9228) Plat Waiver
5032 South 33rd West Avenue

(PD 9) (CD 2)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to CS and OL.

Staff provides the following information from TAC at their December 3, 2009 meeting:

ZONING:

TMAPC Staff: The property is platted in the Carbondale 3rd addition.

STREETS:

Sidewalk required along 33rd Avenue.

SEWER:

No comment.

WATER:

The installation of a fire hydrant could be required.

STORM DRAIN:

No comment.

FIRE:

Building permit may require fire hydrant to be added.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver.

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

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

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

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

9. **PUD-686-6 – Jerry Hall**

(PD-26) (CD-8)

Northwest of the northwest corner of 121st Street South and South Yale Avenue (Minor Amendment to reduce the required rear setback from 25 feet to 20 feet.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required rear setback from 25' to 20' on Lot 15, Block 6 of the Wind River residential single-family subdivision. The request is for a small portion of the house only as depicted on the attached exhibit A and would not relax the setback for the entire lot.

Lot 15, Block 6 is a five-sided lot with utility easement along all lot lines, somewhat limiting the buildable area of the lot. Also, the lot line along which the reduction is being sought abuts South Toledo Avenue. The small encroachment into the required setback should not have any effect on another single-family property.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-686-6 reducing the rear setback on Lot 15, Block 6 – Wind River from 25' to 20' for the area highlighted on the attached exhibit only.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

10. **PUD-766 – Crafton, Tull, Sparks/Jason** (PD-18) (CD-7)
Emmett/Hilton Garden Inn

West of the northwest corner of 51st Street South and South Yale Avenue, Lot 3, Block 1 – 51 Yale (Detail Site Plan for a five-story, 22,559 square foot, 107 room hotel.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a five-story, 22,559 square foot (SF), 107-room Hilton Garden Inn Hotel. The proposed use, Use Unit 19 – Hotel, Motel, and Recreation Facilities is a permitted use within PUD-766.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from private drive/mutual access easement extending from the private street 50th Street South. Parking has been provided per the applicable Use Unit of the Zoning Code. A 6' solid screened wall/fence will be constructed along the west boundary line per PUD requirements. All sight lighting is limited to 25-feet in

height and will be directed down and away from adjoining residential properties. A trash enclosure has been provided as required by the PUD. Sidewalks will be provided along the mutual access as depicted on the attached site plan per PUD requirements.

Staff recommends **APPROVAL** of the detail site plan for Lot 3, Block 1 – 51 Yale.

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

11. **PUD-766 – Crafton, Tull, Sparks/Jason (PD-18) (CD-7)**
Emmett/Residence Inn

West of the northwest corner of 51st Street South and South Yale Avenue, Lot 2, Block 1 – 51 Yale (Detail Site Plan for a five-story, 22,551 square foot, 115-room hotel.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a five-story, 22,521 square foot (SF), 115-room Residence Inn Hotel. The proposed use, Use Unit 19 – Hotel, Motel, and Recreation Facilities is a permitted use within PUD-766.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from private street 50th Street South. Parking has been provided per the applicable Use Unit of the Zoning Code. A 6' solid screened wall/fence will be constructed along the west boundary line per PUD requirements. All sight lighting is limited to 25-feet in height and will be directed down and away from adjoining residential properties. A trash enclosure has been provided as required by the PUD. Sidewalks will be provided along the mutual access as depicted on the attached site plan per PUD requirements.

Staff recommends **APPROVAL** of the detail site plan for Lot 2, Block 1 – 51 Yale.

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

TMAPC COMMENTS:

Ms. Cantrell stated that the following Items will be pulled from the consent agenda: Items 2, 5 and 8.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the consent agenda Items 3, 4, 6, 7, 9, 10 and 11 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

2. **LS-20348** – Jenna Coulter (9402)/Lot-Split (PD 17) (CD 6)
17211 East 11th Street, West of Northwest Corner of East 11th Street
South and South 177th East Avenue

STAFF RECOMMENDATION:

Mrs. Fernandez stated that the subject lot-split went to the Technical Advisory Committee (TAC) to discuss a waiver of the Subdivision Regulations for more than three side lot lines. There were no comments or concerns about this particular lot-split.

Staff has provided some exhibits showing the lot-split. There was a question whether or not the lot-split met the requirements for the agricultural zoning district and it does. This lot-split meets all of the bulk and area requirements and meets the lot width requirements. Another question regarding a trailer that is located on the subject property came up and that is a "use" of the property. The question before the Planning Commission is the division of land and not the "use" of the property. It does require a special exception from the Board of Adjustment to have a mobile home or manufactured home dwelling on an agricultural piece of property in the City of Tulsa. The subject property is within the city limits. There is no special exception for this particular trailer and there are no permits for the trailer. Apparently there was notice given to the applicant about the trailer after the City received a complaint. After investigating, the City has found that the trailer is strictly used as a storage facility and some interpretation was made in the field that the trailer is not hooked up to electricity, water or sewer and is considered a use for a storage dwelling. According to the applicant, the trailer is going to be removed from the property after the lot-split is approved and when the property is sold. Mrs. Fernandez reiterated that the application before the Planning Commission is about the splitting of property.

Mrs. Fernandez indicated that there was also a question about notice for the waiver to the Subdivision Regulations. Notice is required ten days in advance and notice was mailed on December 1, 2009 with more than adequate notice given. The notice was sent to property owners within a 300-foot radius of the subject property, which is more than required by the Subdivision Regulations.

Staff recommends approval of the lot-split because it meets the requirements.

TMAPC COMMENTS:

Ms. Cantrell asked if there was any issue about the trailer or where would one go to appeal. In response, Mrs. Fernandez stated that it would be through the WIN Department at the City of Tulsa.

Mr. Walker asked what the width requirement is for a lot-split. In response, Mrs. Fernandez stated that the minimum is 200 feet.

Mr. Leighty asked Mrs. Fernandez what she meant by "technically being used for storage". In response, Mrs. Fernandez stated that she understands that the trailer is being used for storage only.

Ms. Cantrell asked Mrs. Fernandez to explain the measurement of the lot width. Mrs. Fernandez stated that the frontage requirement is 30 feet and the width requirement in the AG district is 200 feet. There is 130 feet of frontage on East 11th Street and to calculate the square footage, one divides it by the 1,270 lineal feet on the side to determine if it meets the requirements.

Applicant's Comments:

Jenna Coulter, 17211 East 11th Street, indicated that she is in agreement with staff's recommendation. She stated that the trailer is strictly storage and there is nothing but her belongings that haven't been moved to a storage container. The trailer has been sold to someone else and the land is sold to a separate party. The trailer will be moved as soon as this is final.

INTERESTED PARTIES COMMENTS:

Councilor James Mautino, 175 East 2nd Street, City Hall, 74103, stated that he contacted the WIN Department this morning and they are trying to get the disputes lined out. There are problems with the main house being partly torn down and he would like to pass this time so that he has time to resolve the issues so it would be a lot cleaner for the TMAPC. Mr. Mautino requested that the Planning Commission pass this item.

TMAPC COMMENTS:

Ms. Cantrell stated that there would have to be some legal basis to continue or deny this lot-split. Councilor Mautino stated that he understands that it is a given the Planning Commission can approve the lot-split, but he is just asking for more time to make sure that the trailer is removed because there is no sewer available and he is concerned that it will not be taken off and the trailer would be used for housing. He requested that this is passed to the next session and give him time to resolve these issues.

Mr. Midget stated that he heard the applicant state that once the lot-split was approved, and then the trailer would be moved off of the subject property. WIN

did go out to the subject property and gave notice to the applicant regarding the trailer. She now has a certain amount of days to get it rectified. If the applicant doesn't remove the trailer, then the City can abate it. Once this lot-split is approved and the applicant can guarantee that it is off, and then the City can move forward on the other matters regarding the house that is partially torn down. Mr. Midget stated that he wanted to assure Councilor Mautino that the WIN Department will take care of any property issues that are remaining on the subject lot, particularly anything that violates City ordinances. Mr. Mautino stated that in his experience, perhaps not justified, he would like to see this done before the any approvals are granted. Once he is assured that this will be taken care of, then it would be fine to approve the lot-split. Mr. Midget stated that it will be up to the Planning Commission whether or not the lot-split will be approved today. He doesn't know if the applicant's sale of the trailer and property is contingent upon the lot-split approval. Regardless of it being split or not, there are some violations and there has been a notice given that it needs to be taken care of and they will be taken care of.

INTERESTED PARTIES COMMENTS:

Ernest Myers, 1917 West Xenia Street, Broken Arrow, 74012, stated that he is the Trustee for his mother's estate, which abuts the subject property (17401 East 11th Street). He indicated that he has not received a notice, but it has been a few days since he has checked the mail. He explained that there was a sign on the subject property advertising a two-bedroom home on a one-acre lot for sale. He is concerned that it might be back-doored in and ignore the current regulations. He knows that the zoning would deal with that, but there is a trailer across the street from the subject property that has been there for several years and was supposed to have been moved. It is still there with the doors falling off and the trailer collapsing. He is concerned that the City is busy and this might not be addressed promptly.

TMAPC COMMENTS:

Ms. Cantrell stated that she hopes that the interested parties understand that when the Planning Commission has an application before them, their authority of what they can look at is limited. The Planning Commission looks at whether or not the application meets the Zoning Code and the Subdivision Regulations and that is really about it. The concerns of the dilapidated properties, etc., while she appreciates their concern and is not trying to diminish that, are concerns of WIN and something that is not within the Planning Commission purview. For the Planning Commission to deny or pass on this application, they would need something within their authority to justify that. The Planning Commission is not set up to be the police for what WIN is doing, but are set up for land use decisions. Mr. Myers stated that he understands, but he thought he would bring this issue to the attention of everyone so that the purchaser would be well aware of the situation.

Applicant's Rebuttal:

Ms. Coulter stated that the sign she originally had on the subject property said one acre and the trailer, but when she applied for the lot-split and realized that there was a two-acre minimum. She indicated that the sell of the two acres will pay off her obligation for the trailer and she has sold it to someone else. She is waiting on the lot-split to clear the title in order to be removed from the subject property. The subject property is sold to someone else and she needs the lot-split approved today in order to meet the requirements.

TMAPC COMMENTS:

Mr. Leighty asked Ms. Coulter if she needs this done today. In response, Ms. Coulter answered affirmatively.

Mr. Midget asked Ms. Coulter how long she thought it would take her to clear the title and remove the trailer. In response, Ms. Coulter stated that if this is approved today, she is going straight to the title company. She believes it would be seven days before the trailer could be moved.

Mr. Leighty asked Councilor Mautino if he mentioned that there is a house that is partially torn down. In response, Councilor Mautino stated that he contacted WIN this morning and they went to look at the situation. He would like this cleaned up first before approving the lot-split. This has been a problem before in the subject area and one particular property took ten years to deal with.

Ms. Wright asked Mr. Midget if his office would be following up on the trailer removal. In response, Mr. Midget stated that normally they are given ten days and if the applicant is able to start the process today, then she will be finished and trailer gone before the notice expires. Mr. Midget stated that he will have to get with his staff regarding the dilapidated structure and this type of structure takes a little bit more time due to legal ramifications. The City will work within their legal confines to get that situation abated as well.

Mr. Midget asked Mr. Myers to meet with him about the trailer that was mentioned that has been in place for ten years. He will need an address to follow up on that issue.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **RATIFY** the lot-split for LS-20348 per staff recommendation.

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5. **John Moody** – (9331) Plat Waiver (PD 18 A) (CD 9)
South of East 55th Street and East of South Peoria Avenue (Continued
from 11/18/2009 and 12/2/2009.)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that Mr. Moody has requested a continuance and there have been two previous continuances. There is no legal notice to worry about on this particular item and staff would recommend striking this item from the agenda and place it back on the agenda when everything is ready to be heard.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **STRIKE** the plat waiver for south of East 55th Street and east of South Peoria Avenue.

* * * * *

8. **PUD-759-2 – Tanner Consulting, LLC/Crestwood at the River** (PD-26) (CD-8)

Northwest corner of 121st Street South and South Sheridan Road (Minor Amendment to increase permissible building height from one story to two story, allow 15% increase in floor area from 35,000 SF to 40,250 SF and decrease the side setbacks on several lots.)

STAFF RECOMMENDATION:

The applicant is requesting minor amendments to:

- Increase the permissible building height in the east 300' of the commercial portion of the PUD (along 121st Street) from one story not to exceed 35' to two (2) stories not to exceed 40';
- Allow a 15% increase in floor area in the commercial portion of the PUD from 35,000 SF to 40,250; and
- Decrease the side setback on Lot 3, Block 2; Lots 4 and 5, Block 3; Lots 1, 3 and 4, Block 4; and Lots 3, 5, 6, and 10, Block 5 from 5' to 2'.

The height increase is being sought in the east 300-feet of Development Area B. The area is adjacent to three of the residential lots to the north. With a 35-foot setback requirement from the residential area, an eight-foot masonry wall with

extensive landscaping provided for added buffering, staff contends the five-foot increase in height will not substantially alter the character of the development.

The requested 5,250 square foot (SF) increase in floor area to 40,250 SF is seen as negligible when considering the underlying CS zoning would permit 135,837 SF of commercial floor area.

The setback reduction for the residential lots is being sought because these lots have utility easements along three of the four lot lines, thereby limiting the buildable area. The opposite side lot line on each lot have 7.5 to eleven-foot utility easements. This, combined with minimum building separation required by the Building Code leaves plenty of room for maintenance equipment to enter the rear yards.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-759-2.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

INTERESTED PARTIES COMMENTS:

Lisa Gay White, 6301 East 121st Street South, POB 472311, 74147, stated that she has a 30-foot wide driveway that is over 1200 feet in length. Ms. White expressed concerns with the setbacks causing flooding of her driveway. Ms. White submitted photographs and easement language (Exhibit B-1) regarding her driveway. She indicated that there is no stormwater plan for the subject development. Ms. White stated that her driveway is asphalt and ten feet of sod are on each side of the driveway. There is already stormwater runoff without any structures being built and when the subject development is built it will increase the runoff onto her driveway and deteriorate it. She understands that the Planning Commission has no jurisdiction over stormwater, but if the applicant is allowed to increase the building size then her entire driveway will become sand. Ms. White requested that this application be denied. She explained that her driveway sits on an easement owned by the developer. She indicated that she owns the property above it, across, through it and under the driveway. She believes that the developer believes he has the right to use this easement to facilitate stormwater because it is deeded in his name.

Ms. White indicated that the practices of existing homeowners who will be building on the subject property use deceptive measures. She stated that they pipe the stormwater and shove it under her fence line (Ms. White indicated this practice on the western portion of her property). Ms. White explained that the pipes are hidden and when it rains the captured water is dumped on her property by pop-up valves. She stated that she had to build a wall to prevent the stormwater from deteriorating her property.

TMAPC COMMENTS:

In response to Ms. Cantrell, Ms. White indicated that she has met with the City of Tulsa regarding the drainage and they are going to try and make the developer take the water to the street, but she feels that it will still come down her driveway. A divot, ravine or swale should be there to contain the water within the development's property rather than being served to her. Ms. White cited where all of the stormwater drains from the surrounding properties and which properties dump stormwater onto her property.

Ms. Cantrell stated that the setback that abuts the driveway is where the utility easement will be located and there will not be any encroachment toward the driveway. The applicant is asking for the change to be made on the other side of the houses. Ms. White stated that there is an existing home that put a swimming pool in the 17.5' feet of utility easement and so when she hears that nothing can be built on the utility easement she has a problem believing the rules will be followed.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, 74105, representing the developers of the subject proposal, stated that the roads are in and some of the stormwater is improved. Ms. White mentioned some deceptive practices by putting the water in a pipe. This is a PUD and a platted subdivision and those "deceptive practices" are required by the City and he doesn't believe that they are deceptive. The development has an approved stormwater management plan, which is on file. The City will make sure that everything is done in accordance with the approved plan. What happens off this project, on properties to the east or west, he is not aware of. He can address what is before the Planning Commission today.

Mr. Jones stated that the original PUD proposed five-foot and five-foot side yards, which is common. He had hoped that, through the platting process, he would work out with the utility companies and minimize by keeping those five-foot side yards in five-foot easements. As the plat is, after the PUD, it was discovered and determined that the utility companies needed more utilities, so greater easements were granted. What he is proposing today is to simply shift the building envelope over in some cases ten feet, 7.5 feet or less. He doesn't believe this is exacerbating any stormwater problems that exist. The City of Tulsa is now requiring on the residential building permits that an individual lot grading plan be submitted. The City will now look at an individual grading plan for each lot and how that water will be handled. Mr. Jones stated that it sounds like Ms. White is doing the right thing by talking with Development Services. He pointed out that the subdivision is still under construction and he believes those issues will be addressed as the construction goes along.

TMAPC COMMENTS:

Mr. Marshall asked what the approved stormwater drainage plans propose for the water. In response, Mr. Jones stated that he didn't bring the plans with him. He indicated that the water will be collected in the streets and then into an inlet to be piped through the subdivision and out. This development is not required to provide onsite stormwater detention and was allowed to pay fees-in-lieu-of. There is an internal stormwater system that puts the water in the pipe, which was required by the City, and takes it throughout the development and back to the southeast. There is a 100-year collector box along Sheridan where the stormwater will go.

Ms. Cantrell recognized Ms. White.

Ms. White stated that it may have been an error for her to say "deceptive practices". The pop-up valves are on her property and not on her neighbor's property and that is where she is getting the deception. These are the same builders who are going to be in a lottery to be building on her property. She requested that this be held until this can be revisited or a new plan revised to put in a culvert to take care of their own stormwater rather than serving it to her like it is in those hidden pop-up valves.

Mr. Liotta asked Ms. White if the developers met with her to review the stormwater plan and her concerns. In response, Ms. White stated that it has been said that no further discussion is willing or on the table. Mr. Liotta asked Ms. White if she has seen a copy of the stormwater plan. In response, Ms. White answered affirmatively. Development Services visited with her on the site and stated that they would do everything they can do make all of the homes' water go into the gutters. The only way to correct two the homes is to have a culvert or a ditch due to the terrain. In her view there was an error in planning and it should have been corrected. There is adequate space to correct the situation. Ms. White stated that the problems with the development areas are that after they are approved they are handed off to the builder, which leaves her to deal with the builder who installed all of these hidden ports.

Ms. Cantrell recognized Mr. Jones.

Mr. Jones stated that what a builder has done off of the subject property he doesn't have control of and he is sorry that it has happened. Ms. White should contact the City and it sounds like it could be a trespassing issue. There is an approved stormwater plan and he can't go and do work off of the subject property as Ms. White is suggesting. When the grading and everything is done it will address the issues. Mr. Jones offered to meet with Ms. White at the site to try to work out any issues that may come up. This is a minor amendment and he is not building any closer to her property. It sounds like Ms. White has some valid concerns, but none have to do with the minor amendment issues that are before

the Planning Commission today. Mr. Jones reiterated that he would meet with Ms. White at the site if she would like to do so.

In response to Mr. Midget, Mr. Jones stated that today's intent is to have the developer be the builder of all of the houses. He doesn't want to mislead anyone, because if a builder comes along and offers the right price they will sell a lot, but today's intent is that the developer will be the builder. Mr. Midget asked Mr. Jones if it is possible that a builder from the previous lots could build in the subject project. In response, Mr. Jones stated that it is possible. Mr. Midget stated that he believes that is one of the concerns of Ms. White. Mr. Jones stated that the City has a mechanism to check the grades but when the previous houses were built that Ms. White is speaking about, that mechanism wasn't in place. In any event, it shouldn't be allowed to let stormwater to go onto someone's property as she is indicating.

In response to Ms. Wright, Mr. Jones stated that in Area 1 commercial and office uses are allowed. The reason for requesting the height increase of five feet is there has been more of a demand for office use in the subject area. Today's anticipated use is office with a two-story building. The height increase is requested for only the east 300 feet.

David Steele, Senior Engineer, City of Tulsa, stated that Ms. White referenced Mr. Kent Schroeder and he has worked with Ms. White for considerable amount of time to alleviate this and other problems and will continue to do so. Kent is one of the best hydraulic engineers one will find. Mr. Steele stated that he has discussed this development with Mr. Schroeder and it has a drainage plan that was approved by the City that will be watched by the City. Each lot will have a drainage plan before the building permits will be issued, no matter who the developer is. This new procedure has been implemented since October 2009 and is fairly new. The new procedure is actually an erosion control and drainage plan for before and after construction. The goal is to ensure that the sand will stay on the property and not get into the streets, storm drains or Ms. White's property. There will be a drainage plan for each one of the houses to ensure that the additional water run-off that is created by the additional impervious area of the house is collected and appropriately conveyed to a public system. There will be inspectors who are trained to go out and look at this during and after construction. He concurs with Ms. White that this is a very complex area because of the flat areas of sand and steep areas and it complicates the hydraulics of the subject area. He commented that the City appreciates citizens like Ms. White who continually keep them aware of some things that are going on in the subject area. The City is currently monitoring several issues in the subject area that this time.

In response to Ms. Cantrell, Mr. Steele stated that there were some controls in effect when the first houses were built in the subject area, which are out of the Building Code, that the City follows. This is the first time and the first city in the

metropolitan area that has a specific drainage plan for a specific residential construction.

In response to Mr. Midget, Mr. Steele stated that the City will continue to work with Ms. White and the developers in the subject area, but he can't guarantee that sand will not get into streets or properties, but all will be done within the engineering capacity that the City has to ensure that there is no damage on neighbors' properties caused by a house under construction. The builders work with the City on this issue.

Ms. Wright asked Mr. Steele if possibly the entire PUD should be revisited since there are so many environmental issues. Mr. Steele stated that he couldn't pass judgment on that. The City has reviewed the plans and the plans stand. When the City runs into problems with individual construction it will be addressed it at that time. He doesn't recommend reviewing permits already issued. There is continual monitoring that is a part of that and it is ongoing.

Ms. Wright asked Mr. Steele to describe the pop-ups that Ms. White referred to. Mr. Steele stated that pop-ups are usually at individual construction sites from roof drains. When one has an underground drain pipe that travels out to the street or to another public facility, rather than cutting a hole in the curb, the pop-ups are installed and when the water is captured they pop-up and the water is allowed to spread out. Hopefully there are drains so that they will drain over the curb into the street. Mr. Steele commented that pop-ups are intended to be on the property and not off onto a neighbor's property illegally. Mr. Steele informed Ms. Wright that a property owner would have the same rights as anyone for illegal pop-ups, which would be trespassing.

Mr. Leighty asked if the pop-ups are illegal. In response, Mr. Steele stated that if they are installed without permission on private property they would be illegal. Mr. Jones reminded the Planning Commission that the pop-ups that they are discussing do not belong to his client. Mr. Leighty stated that if the stormwater drainage plan that is currently in place allows for someone to take the water to the property line and it doesn't increase the amount of water that is coming there, then he doesn't see what the problem is. Mr. Steele stated that the very purpose for having the drains is to avoid dumping water onto a neighbor's property and draining it into a public system. Mr. Steele reminded the Planning Commission that the pop-up drains that they are discussing were installed before the new requirements were in place.

Mr. Dix stated that the pictures that Ms. White has provided look to be all downspout or roof water drains. The City may have not been aware of these, since sometimes the homeowners add these later after permitting and development is completed. Mr. Dix commented that if someone put the pop-ups onto his property, he would fill them full of concrete; however, it is not relevant to the application before the Planning Commission today.

Mr. McArtor asked Mr. Steele if it is his professional opinion that if the Planning Commission approves the requested setback, it would cause water to flow over onto her driveway and erode her driveway. In response, Mr. Steele stated that the City will review the plans to ensure that it doesn't happen and Ms. White can look at the plans while they are under review. If the plans show problems for a neighbor then they will not be approved. The City of Tulsa reviews all of the plans and will review these plans prior to allowing a permit. Moving the setback three feet is not likely to change anything, but he hasn't seen the plans.

Ms. Cantrell stated that assuming the City does approve plans and then it turns out that the plans don't work the way they were anticipated, then there is still recourse for the neighbors. In response, Mr. Steele answered affirmatively.

Ms. White spoke from the audience.

Mr. Dix stated that he couldn't hear what Ms. White stated away from the microphone.

Ms. Cantrell asked Ms. White to restate her comments, but to keep it brief.

Ms. White stated that the City inspectors told her that any water damage that occurs after the plans have been in place becomes a civil issue. She understands that when you take someone to court the only money received is the amount you spend to defend your property.

Chair recognized Mr. Bullock.

Marc Bullock, 1122 South Yale, 74112, owner and developer of Crestwood Village, stated that he has known Ms. White for several years and obviously she articulates all of the developments that are around her. He explained that he tries to coexist the best that he can and most of the time successfully.

Mr. Bullock explained that he is the owner of Ms. White's road and how he knows that he is the owner is that he pays the taxes for the property. Ms. White is correct that she does have a legal exclusive right to use that road in whatever manner she sees fit. Mr. Bullock commented that he doesn't necessarily want to pay the taxes, but he does and so whatever happens to her driveway also happens to him as well and then he will have to clean it up.

Mr. Bullock stated that it is his intention at this point and time to build the homes and he would be more than happy to meet with Ms. White and discuss the drainage on each lot that she is concerned about. He is required by the City to make sure that the drainage is successfully taken to the streets. All of his system does not go to the ponds in Crestwood I and II, but goes to the 121st and Sheridan location where there is a 100-year collector box.

Mr. Leighty asked Mr. Bullock if he was the developer of the homes Ms. White had photographs of. In response, Mr. Bullock answered affirmatively. He indicated that he was the developer and sold the lots to builders in the previous developments. Mr. Leighty stated that Ms. White is concerned that the same thing will happen in the new development. Mr. Bullock stated that at 116th and Sheridan from north to south to 120th, there is 85 feet of fall. Ms. White's house sits above the development on the north and her water from her three acres drains onto the subject properties at 121st and Sheridan. The drainage is natural and it continues that way. Ms. White has a right to be concerned about her access driveway, but all of the area is draining and the City is correct that each house has to address the issue of runoff and it is a great measure that has been put in place. Mr. Leighty commented "good enough".

Mr. Midget stated that he is sympathetic to Ms. White, but he understands the area. This is a development sensitive area and the owner has already described the slope and drop off. He feels comfortable with the new drainage and erosion plan that has been put in place to ensure that the City can minimize, if not eliminate, excess runoff onto additional properties. Mr. Midget concluded that Ms. White's concerns can be addressed. The City is well aware of the issue and to make sure that none of the mishaps that occurred on those earlier properties occur here. Mr. Midget stated that he is comfortable with staff's recommendation.

Mr. Dix concurred with Mr. Midget regarding Ms. White's situation, but he doesn't know how the Planning Commission can hold this developer responsible for others previous actions if the subject project is meeting the City's requirements. Mr. Dix stated that he is in support of the subject application and it would move the houses away from the access.

Mr. Shivel stated that with the new requirements that are in place he will be supportive of this application.

Mr. Leighty stated that he would be supporting this application as well. It is not unusual for people asking the Planning Commission to try be the enforcement for various things, when really the application is a minor amendment on the setback and the building height. He doesn't see that the Planning Commission could actually vote against this application. He is sympathetic to Ms. White's concerns and issues and the Planning Commission is not trying to make her life more difficult.

Ms. Cantrell stated that there will always be people who do not do a good job at development. The question is whether or not the City of Tulsa wants development or not. If development is stopped simply because there are bad people out there, then development will stop altogether. Ms Cantrell stated that she can't see that moving the building envelope three feet will make any

difference and she doesn't see how that would be the deciding factor of whether there would be water in the driveway. She encouraged Ms. White to stay on top of the development and she encouraged the applicant to meet with Ms. White to work out something so it doesn't end up in court. Ms. Cantrell concluded that she will be supporting the minor amendment.

Ms. McArtor stated that it is hard to say what will happen in the future. He understands Ms. White's concerns since she has had some bad experiences. There is a new plan in place and that is why he asked Mr. Steele the questions he did. It would be a civil matter if something breaks down and possibly the City would be involved. He is sure that the City will be careful about what they do. Mr. McArtor indicated that he would be in support of this application.

Mr. Leighty moved to approve the minor amendment per staff recommendation. Mr. Midget seconded.

Ms. Wright asked Mr. Boulden if the City would be involved in a civil suit for any negligence regarding this approval after knowing the issues in the subject area. In response, Mr. Boulden stated that the City could be sued, but his position would be that the City is exempt from liability under the Tort Claims Act from any liability related to the issuance or none issuance of a building permit or the like. Obviously the policies that are now in place are intended to avoid the situation so that these civil suits never occur. The civil suit would be between the private parties through Oklahoma Water Law and would have some recourse.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-1-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, "aye"; Wright "nay"; none "abstaining"; Carnes "absent") to **APPROVE** the minor amendment for PUD-759-2 per staff recommendation.

Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

Ms. Wright out at 2:51 p.m.

PUBLIC HEARING

13. **Hyde Park at Tulsa Hills** – (8211) Preliminary Plat (PD 8) (CD 2)
East of South U.S. Highway 75 and North of West 81st Street (Applicant will resubmit plat. This item was continued from 11/18/2009 meeting.)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that this application should be stricken from the agenda. It will come back in a new revised form after the Holidays.

Stricken.

14. **LaNueva Jerusalem** – (9308) Preliminary Plat (PD 17) (CD 6)
Southwest corner of East 13th Street and South 119th East Avenue, 1302 South 119th East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 4.45 acres.

The following issues were discussed December 3, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 with Board of Adjustment case # 20035 which permitted a church use.
2. **Streets:** Standard sidewalk language required. Driveways must be between 24-36 feet wide with minimum radius of return minimum of 15 feet.
3. **Sewer:** Increase the size of the 11-foot utility easement where the existing eight-inch sanitary sewer line is located, to a 15-foot utility easement with the pipe centered within the easement. Add a 17.5-foot utility easement along the east boundary line of the plat. Add standard covenant language for utility easements to Section 1. Specifically omit "signs" and "walls" from the list of items allowed within the utility easement.
4. **Water:** Show the existing eight-inch water main along South 119th East Avenue.

5. **Storm Drainage:** City records show the inlet on the northwest corner to be located north of the property line. Please verify location. Show the existing inlet on the southwest corner of the lot. If inlet is no longer visible notify the Mayors' Action Center that maintenance is required. Drives on 110th will require approximately sized culverts.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Range should be 14 East. The required turning radius of a fire apparatus access road shall be determined by the Fire Code Official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet outside radius. 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.

GIS: Submit subdivision control data sheet. Reference the correct Range in your legal description and on the face of the plat. Using bearings and distances, give a metes and bounds legal description of the property, starting from a labeled Point of Commencement (POC) at a section corner, to a Point of Beginning (POB) on the corner of the property, with a traverse around the perimeter back to the Point of Beginning. Remove existing features such as contours, utilities, buildings from the face of plat. Use standard covenant language for water, sewer and storm water utilities. Also add surface drainage and any other applicable paragraph.

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 **MIDGET**, TMAPC voted **9-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Wright "absent") to **APPROVE** the preliminary plat for LaNueva Jerusalem per staff recommendation, subject to special conditions and standard conditions.

15. **Tuscana on Yale** – (8315) Preliminary Plat (PD 18B) (CD 8)
North of Northeast corner of South Yale Avenue and East 91st Street

STAFF RECOMMENDATION:

This plat consists of seven lots, one block, on 6.53 acres.

The following issues were discussed December 3, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 747 A. Make sure fence is provided per PUD standards. An easement for the fence may be necessary. All PUD standards must be shown in covenants. A property association must be formed.
2. **Streets:** Start Right-of-Way to center line of Yale Avenue and reference plat number or book and page number. Southernmost Limits of No Access and Access are incorrectly labeled. Access widths should be equal to the width of driveway and not more than that for the Mutual Access Easements. Call out width of existing southern mutual access easements with dimension lines. Extend northernmost mutual access easement to Lot 7. For all Mutual access easements either state "Dedicated by this plat" or reference plat number or book and page number. Standard sidewalk language required.
3. **Sewer:** The sewer atlas does not show a main extension providing access to Lot 7. If that line was never constructed, then it must be included in the current IDP (infrastructure development project) through Development Services.
4. **Water:** The extension of a water main line is proposed. The fire hydrant at the south entrance off of Yale Avenue will need to be relocated.

5. **Storm Drainage:** Vacation approval for Reserve A (both of them) is required before the plat can be approved. All public storm sewers (those serving more than one lot) must be in either a storm sewer easement or a utility easement. The Mutual Access Easement is not sufficient to allow maintenance of the storm line. Please check all public lines and assure they are in the proper easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** The required turning radius of a fire apparatus access road shall be determined by the Fire Code Official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet outside radius. 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. Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Submit a subdivision control data sheet. Update CA number and renewal date for the engineer and surveyor. Clarify lot numbers, reserves and face of plat.

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 **MIDGET**, TMAPC voted **8-0-1** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Wright "aye"; no "nays"; Walker "abstaining"; Carnes, Wright "absent") to **APPROVE** the preliminary plat for Tuscana on Yale per staff recommendation, subject to special conditions and standard conditions.

Ms. Wright in at 3:00 p.m.

16. CVS Tulsa – Admiral/Sheridan – (9303) Minor (PD 5) (CD 4)
Subdivision Plat

Southwest corner of East Admiral Place and South Sheridan Road

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.02 acres.

The following issues were discussed December 3, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CH (commercial high).
2. **Streets:** No comment.
3. **Sewer:** Since the proposed sanitary sewer mainline extension is within the right-of-way, the entire line must be constructed using ductile iron pipe. The minimum grade allowed on eight-inch sanitary sewer pipe is .40% not .30% as shown on the conceptual plan. In addition, the service line must be ductile iron pipe since it is under paving, and the slope must meet plumbing code. The service line is approved through the building permit process and is not a part of the Infrastructure Development Project.
4. **Water:** The fire hydrant installation can be installed under the Infrastructure Development Project or escrow account process. Each water service connection will require its own connection onto the water main line.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: Submit a subdivision control data form. Give the basis of bearing in degrees, minutes and seconds. Add document numbers for separate instrument dedications or vacations.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. Release letters have been received.

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; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor subdivision plat for CVS Tulsa – Admiral/Sheridan per staff recommendation, subject to special conditions and standard conditions.

17. **Tulsa Downtown Stadium** – (9201) Minor Subdivision (PD 1)(CD 4)
Plat

201 North Elgin Avenue (Continued from 12/2/09)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 8.25 acres.

The following issues were discussed November 19, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CBD. An accelerated building permit had been approved on the site. A release letter is needed from ODOT (Oklahoma Department of Transportation) on this project.
 2. **Streets:** Include plat number or book and page for all right-of-way.
 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.

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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor subdivision plat for Tulsa Downtown Stadium per staff recommendation, subject to special conditions and standard conditions.

18. **PUD-722-2 – Sisemore Weisz & Associates, Inc./Hutcherson YMCA Tee-Ball Field** (PD-2) (CD-1)

Southwest corner of East Oklahoma Street and North Owasso Avenue (Minor Amendment to allow an accessory T-ball/baseball diamond in Development Area B.) (Related to Item 19.) (Continued from 12/2/09)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow an accessory T-ball/baseball diamond in Development Area B of PUD-722 (see Exhibit A).

The proposed field does not abut any residential properties and is immediately adjacent to U.S Highway 75. There are no permanent structures proposed or lighting associated with construction of the ball field.

Staff understands that an agreement has been made between the YMCA and the property owners to the west of the ball field with respect to restricting access to the property to the west of the ball field during T-ball games. Please see the attached Exhibit B from the YMCA's consultant outlining the agreement.

Staff recommends **APPROVAL** of minor amendment PUD-722-2.

Note: Approval of a minor amendment does not constitute detail sign plan approval.

PUD-722-2 and PUD-722 are related items:

19. **PUD-722 – Sisemore Weisz & Associates, Inc./Hutcherson YMCA Tee-Ball Field** (PD-2) (CD-1)

Southwest corner of East Oklahoma Street and North Owasso Avenue
(Detail Site Plan for construction of a T-ball/baseball diamond in
Development Area B.) (Related to Item 18.) (Continued from 12/2/09)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for construction of a T-ball/baseball diamond in Development Area B of PUD-722 (see Exhibit A). Associated with this detail site plan is minor amendment request PUD-722-2 also appearing on the 12/2/09 agenda of the TMAPC.

The submitted site plan meets all applicable development standards for PUD-722. There are no abutting residential properties and no permanent structures or lights proposed. Parking is provided on Lot 1, Block 1; Lot 1, Block 3 and Lot 1, Block 4, all under ownership of the YMCA. Prior to the release of construction permits the applicant is required to furnish release letters from the Oklahoma Department of Transportation (ODOT) and the City of Tulsa verifying approval of the use of surplus ODOT owned property and a City of Tulsa owned abandoned alleyway within the confines of the baseball diamond.

Staff recommends **APPROVAL** the detail site plan for PUD-722.

Note: Detail site plan approval does not constitute landscape or sign plan approval.

TMAPC COMMENTS:

Ms Cantrell asked if staff is comfortable moving forward when this involves ODOT property. In response, Mr. Sansone stated his interpretation of the situation is that in order for the this to proceed, and look for the approvals from ODOT and/or the City of Tulsa in the form of releasing certain pieces of property, that may or may not be under the control of those two entities, the minor amendment should be moved forward. The detail site plan is contingent on the receipt of those releases. Mr. Sansone suggested that the Planning Commission make a condition upon the approval if they are so inclined to approve the minor amendment. When the applicant applies for their permits they will have to have the release letters from ODOT and the City of Tulsa.

Ms. Wright stated that she visited the site and asked if there is a possibility to have a lot-combination so that this issue will not ever come up again. In response, Mr. Sansone stated that the alleyway has not been formerly closed and vacated. If the City doesn't deem the subject alleyway surplus and only deems it to be used by the applicant, then it couldn't be under a lot-combination.

Mr. Steele stated that there is a sewer in the alleyway and it will always have to have an easement. Mr. Sansone stated that a lot-combination wouldn't be feasible in this situation.

Ms. Wright stated that there is plenty of on-street parking in the subject area.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor amendment for PUD-722-2 per staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the detail site plan for PUD-722 per staff recommendation.

20. **PUD-775 – Larry Kester/Victory Christian Housing** RM-1 to RM-1/PUD

East of South Wheeling Avenue on East 74th Place (PD-18a) (CD-2)
(PUD for a 120-unit apartment complex for use by the Victory Christian Center's missionary students, including a community meeting center with a mail station for the units.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11828 dated June 26, 1070, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-128-H May 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 8+ acre tract of land for cellular tower use on property located on the northwest corner of South Wheeling Ave and East 78th Street.

PUD-128-G May 2005: All concurred in approval of a proposed Major Amendment to a PUD on a 23.8± acre tract of land for office use and multifamily use on property located on the southeast corner of East 73rd Street South and South Wheeling Avenue and abutting north of subject property.

BOA-18625 March 28, 2000: The Board of Adjustment approved a Special Exception to permit a Use Unit 5 for a private high school education and athletic buildings, facilities, and fields in an OM, OL, RM-1 districts; a Variance of the off-street parking requirements to permit the minimum of 700 spaces; a Variance of the required access from an arterial street; per plan located on the east side of South Wheeling and north of East 78th Street.

BOA-18585 November 23, 1999: The Board of Adjustment approved a Variance of the minimum living space requirement of 20' x 20' dimension with condition of 14' width, 1500 square feet living area, two-story, finding that the density permitted is inconsistent with core area requirement in the zoning code to permit, on property located south of southeast corner of East 73rd Street and South Wheeling Avenue and the subject property.

BOA-18484 and PUD-237-1 August 1999: A variance was granted by the Board of Adjustment and a minor amendment was approved for the reduction of the number of parking spaces required for the bank and offices located on the lot west of the southwest corner of East 73rd Street South and South Lewis Avenue.

PUD-128-F August 1995: A request for a major amendment to PUD-128 to allow a children's day care facility on a portion of the PUD lying south of East 73rd Street South and on the west side of South Wheeling was withdrawn by the applicant.

BOA-14394 March 5, 1987: The Board of Adjustment approved a Special Exception to permit a Use Unit 5 to allow a church (Victory Church) and related uses in an RM-1 district per plan and subject to conditions put on by the Board located on property located north of the northwest corner of East 81st Street and South Lewis Avenue.

Z-5804/PUD-128-B March 1983: All concurred in approval of a request to rezone a 24.6± acre tract from RS-3 to RM-1 and a proposed Major Amendment to PUD-128 for multifamily dwellings, on property located east of South Wheeling Avenue and north of East 81st Street South.

PUD-282 May 1982: All concurred in approval of a proposed Planned Unit Development a 47± acre tract of land for commercial development on property located on the southwest corner of East 71st Street and South Lewis Avenue.

PUD-237 August 1980: All concurred in approval of a proposed Planned Unit Development a 3.2+ acre tract of land for 7-story office building with barber and beauty shop use on property located west of the southwest corner of 73rd Street and Lewis Avenue.

PUD-128 August 1972: All concurred in approval of a proposed PUD allowing a total of 4,441 residential units on a 278+ acre tract located between Lewis Avenue and the Arkansas River and between 71st Street and 81st Street.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 6.15+ acres in size and is located East of South Wheeling Avenue on East 74th Place. The property appears to be vacant and is zoned RM-1.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 74 th Place*	N/A	N/A	2 (medians at intersections)

*Any entry from the west off of East 74th Street would have to be through the gated Avignon complex at the present time.

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned OM; on the north by apartments, zoned PUD-128-G; on the south by sports complexes associated with Victory Christian School and Church, zoned RM-1; and on the west by the Avignon townhouse/condominium development (a private, gated community), zoned RM-1.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18a 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 RM-1/PUD zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

PUD-775 is a 6.15 acre/267,894 square foot (SF) tract of land situated southwest of the southwest corner of 71st Street South and South Lewis Avenue. The tract is flat, vacant and is part of the Victory Christian Church complex as seen on the attached case map, aerial photograph and site photographs, Exhibit I. The site will be re-platted as a one lot, one block subdivision.

The proposal is for a 120-unit apartment complex for use by the Victory Christian Center's missionary students. The Victory Christian apartments will include a community meeting center with a mail station for the units. The underlying RM-1 zoning would permit 157 units.

Uses permitted within the PUD will be limited to apartment use only within Use Unit 8 Multifamily and Similar uses and customary accessory uses such a pool and pool house and a community meeting center with a mail station for the units.

The planned unit development is submitted to achieve development flexibility pertaining to building height, street frontage, front setback, access to the development and a private street. The planned unit development is intended to establish a conceptual site plan with designation of development areas, allocation of uses and intensity of uses and development standards and conditions to be followed by detailed site plans submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

While the zoning code limits structure height to 35' in the RM district, apartments are permitted to exceed the 35' height limit in a PUD with approval of the Planning Commission. There is no abutting RE or RS zoned properties, although the project will be completely screened from all surrounding properties.

Access to the development will be via mutual access easement along the northern boundary of the adjacent tract to the south, property also owned by Victory Christian. The tract to the south contains the Victory Christian football and track facilities (see Exhibit A). At the request of the property owners to the west the concept plan eliminates direct access through the adjacent townhomes except by emergency vehicles through an ornamental crash gate on the western boundary line. For internal pedestrian circulation sidewalks will be constructed in substantial conformance with attached Exhibit A.

Parking and landscaping will be provided per the zoning code. All other bulk and area requirements of the RM-1 District and subdivision regulations will be met.

After conducting site visits and reviewing the development proposal staff can support this application. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-775 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-775 subject to the following conditions:

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

LOT AREA: 6.15 ACRES 267,894 S.F. +/-

PERMITTED USES: Multifamily apartments and customary accessory uses including a club house and pool.

MAXIMUM PERMITTED NO. OF DWELLING UNITS: 120

MAXIMUM PERMITTED LOT COVERAGE: 50% of lot area may be covered by parking and buildings.

MAXIMUM PERMITTED BUILDING HEIGHT: 3-stories, not to exceed 45-feet.

SETBACKS:

From centerline of private street: 35'

From the north and south boundary of the PUD: 50'

From the east and west boundary of the PUD: 35'

MINIMUM PARKING: Per the applicable use unit within the Tulsa Zoning Code.

SIGNS: One identification sign, not to exceed eight-foot in height, nor 32 SF of display area shall be permitted at the northwest corner of the adjacent tract to the south in the mutual access easement along South Wheeling Drive.

LIGHTING: All lights, including building mounted, shall be hooded and directed downward and away from the northern, western and southern boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas.

LANDSCAPING AND SCREENING:

The minimum of 10% of the net land area shall be landscaped in accord with the landscape chapter of the Tulsa Zoning Code. This shall include a minimum ten-foot landscaped buffer along the entire perimeter and in substantial conformance with the 'landscape and screening details', Exhibit C.

An existing six (6') feet wood privacy fence with masonry columns located along the northern, eastern and southern property lines shall remain. A proposed six-foot screening wall or fence and ornamental iron fence shall be located on the

west property line, providing screening between the existing condominium units to the west and the PUD.

Along the northern and southern property lines, there are a minimum eight (8') foot high, and three (3") inch caliper evergreen trees spaced roughly on twenty (20') feet on center. These existing trees will be maintained as screening trees along the northern and southern boundaries. Interior trees and street yard trees will be installed per zoning code requirements.

ACCESS AND PEDESTRIAN CIRCULATION:

Access is to be derived from a mutual access easement along the northern boundary of the lot immediately adjacent to the south and will be platted as such.

Interior pedestrian circulation shall be provided by sidewalks along the interior private street and in substantial conformance with attached Exhibit A. The pedestrian circulation plan will be subject to detail site plan review by the TMAPC.

3. No zoning clearance permit shall be issued within the development until a detail site plan, which includes all buildings, parking, lighting and landscaped areas has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each development area and/or lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign within the development until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Entry gates, emergency access gates and/or guardhouses, pools and pool houses, and detached community meeting centers, 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.
7. Pools and pool houses and detached community meeting centers, if proposed, must receive detail site plan approval from TMAPC prior to issuance of a building permit for the proposed structures.

8. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
9. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
10. 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 sufficient capacity and have been installed in accordance with an approved plan prior to issuance of an occupancy permit on that lot.
11. All private roadways shall have a minimum width of 26' in width. 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 public street. The maximum vertical grade of private streets shall be ten percent.
12. 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.
13. No building permit shall be issued until the requirements of Section 1107-F 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.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. Approval of the PUD concept plan is not an endorsement of the conceptual layout. This will be done during detail site plan review and the subdivision platting process.
16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: No Comments.

Water: A six-inch looped water main line exists for service connections.

Fire: Provide 28' radius on Lots 13 of Blocks 1 & 2 to allow a fire truck to make the turn. Provide Aerial Fire Apparatus Access Roads per Section D105 of the International Fire Code.

Stormwater: No Comments.

Wastewater: The existing sanitary sewer main must be brought up to City of Tulsa Standards before any sewer connections can be permitted.

Transportation: No Comments.

INCOG Transportation:

- **MSHP:** South Wheeling Avenue is a designated residential collector.
- **L RTP:** S. Lewis Ave., between 71st St. S. and 81st St. S., existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comment.
- **Transit:** Currently, Tulsa Transit operates an existing route on S. Lewis Ave., between 71st St. S. and 81st St. S. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

GIS: No comments.

Street Addressing: No Comments.

TMAPC COMMENTS:

Ms. Cantrell asked staff the location of the signage. Mr. Sansone pointed out the site for the signage and it would be the same type of sign that would be allowed in a residential district and will be limited in size and scope.

Applicant's Comments:

Russell McDaris, 4200 East Skelly Drive, 74135, stated that he believes that the project overall is compatible with the subject area.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** of PUD-775 per staff recommendation.

Legal Description for PUD-775:

A TRACT OF LAND THAT IS A PART OF RESERVE AREA 'A', ALL OF RESERVE 'B', LOTS 15 THRU 42, BLOCK 1 AND LOTS 15 THRU 32, BLOCK 2, AVIGNON, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF AVIGNON; THENCE NORTH 89°48'42" WEST ALONG THE SOUTHERLY LINE OF SAID AVIGNON A DISTANCE OF 714.00 FEET TO A POINT; THENCE NORTH 00°11'18" EAST A DISTANCE OF 375.00 FEET TO A

POINT ON THE NORTHERLY LINE OF SAID AVIGNON; THENCE SOUTH 89°48'42" EAST ALONG THE NORTHERLY LINE OF SAID AVIGNON A DISTANCE OF 713.86 FEET TO THE NORTHEASTERLY CORNER OF SAID AVIGNON; THENCE SOUTH 00°10'03" WEST ALONG THE EASTERLY LINE OF SAID AVIGNON A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 267,724 SQUARE FEET OF 6.15 ACRES.

OTHER BUSINESS:

Commissioners' Comments

None.

There being no further business, the Chair declared the meeting adjourned at 3:15 p.m.

Date Approved: *1-20-10*



Chairman

ATTEST: 
Secretary