

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2583

Tuesday, August 3, 2010, 4:00 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 29, 2010 at 2:15 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, Acting Chair Walker called the meeting to order at 4:00 p.m.

REPORTS:

Director's Report:

Ms. Matthews reported that the June TMAPC Receipts are up from this time last year.

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

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Minutes:

Approval of the minutes of July 6, 2010 Meeting No. 2581

On **MOTION** of **MIDGET**, the TMAPC voted 5-0-2 (Dix, Edwards, Liotta, Midget, Walker "aye"; no "nays"; Carnes, McArtor "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** the minutes of the meeting of July 6, 2010, Meeting No. 2581.

Minutes:

Approval of the minutes of July 21, 2010 Meeting No. 2582

On **MOTION** of **MIDGET**, the TMAPC voted 4-0-3 (Edwards, Liotta, Midget, Walker "aye"; no "nays"; Carnes, Dix, McArtor "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** the minutes of the meeting of July 21, 2010, Meeting No. 2582.

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-20384**– Jim Stephens (9201) Lot-Split (PD1) (CD4)
Northwest corner of East 3rd Street South and South Lansing Avenue
(Related to Item 4)
4. **LC-264**– Jim Stephens (9201) Lot-Combination (PD1) (CD4)
Southwest corner of East 2nd Street South and South Lansing Avenue
(Related to Item 3)
5. **LC-269**– Schulz Euro Construction (8310) Lot-Combination (PD18b) (CD8)
Northeast of the Northeast corner of East 81st Street South and South Yale Avenue
7. **LS-20387**– Jimmy and Jennifer Sohl (9119) Lot-Split (County)
South of the Southeast corner of West 32nd Street South and South 177th West Avenue
8. **LC-271**– Donald R. Lomax (7328) Lot-Combination (County)
West of the Southwest corner of South Yale Avenue and East 161st Street South
9. **LS-20390**– Sisemore Weisz & Assoc., Inc. (1333) Lot-Split (County)
Southwest corner of East 76th Street North and North Yale Avenue
(Related to Item 10.)
10. **LC-272**– Sisemore Weisz & Assoc., Inc. (1333) Lot-Combination (County)
South of the Southwest corner of East 76th Street North and North Yale Avenue
(Related to Item 9)

11. **PUD-266-3 – Claude Neon Federal Signs/Dr. Tom Cate** (PD-6) (CD-9)

West of the southwest corner of south Harvard Avenue and 51st Street South (Minor Amendment to increase the permitted display surface area permitted for a wall sign for an office use in a PUD.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted display surface area (DSA) permitted for a wall sign for an office use in a PUD. On May 25, 2010 in case #21079 the Board of Adjustment (BOA) approved a variance allowing for the requested increase in display area (see Exhibit A).

The existing office is located along 51st Street and is identified as Development Area A, of PUD-266 (see Exhibit B). Within Development Area A, PUD-266 allows two ground signs and wall signs per the OM District (see Exhibit C). One of the ground signs is intended for the apartments in Development Area B to the south and one for the office use in Area A.

Per the Office District standards, a permitted wall sign for the office would be capped at 32 square feet (SF) of DSA. The applicant is seeking an increase to 54 SF per the attached Exhibit D, citing the widening of I-44 as creating the need for more visibility as outlined in the attached BOA case report Exhibit A. Staff believes the increase will not substantially alter the size, location, number, or character (type) of the signs permitted in the PUD.

Therefore, since the BOA deemed the variance appropriate citing the widening of I-44 as the hardship staff recommends **APPROVAL** of minor amendment PUD-266-3 allowing one wall sign on the north facing building wall not to exceed 54 sf.

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

12. **PUD-431-C-3 – Broadmoor Holdings** (PD-26) (CD-8)

Southwest of the southwest corner of 101st Street South and South Sheridan Drive (Minor Amendment to waive the screening requirement along the southern boundary of Lots 5 through 8 and along the west boundary of Lot 5.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to waive the screening requirement along the southern boundary of Lots 5 thru 8 and along the west boundary of Lot 5 (see Exhibit A). There is a six-foot solid screened wall or fence required along these boundaries per §1211, C-1 of the code.

The subject tracts are bordered on the south by the parking lot for the South Tulsa Baptist Church (see attached case photographs). Attached as "Exhibit B" is a letter from the church supporting the waiver.

Lot 5 is abutted on the west by a stormwater detention facility which is screened on the west by a six-foot screening fence.

Staff contends that the waiver of the screening fence would have little effect on the church to the south or the residentially zoned property to the west.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-431-C-3.

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

13. **PUD-686-7 – Mark Galbraith** (PD-26) (CD-8)

North of the northwest corner of South Toledo Avenue and East 121st Street South (Minor Amendment to increase the permitted coverage allowed for a driveway in the required front yard from 32% to 64% for a three-car driveway; and reduction of the required rear setback from 25 feet to 17.5 feet to allow for a 130 square foot encroachment for a single-story covered patio.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted coverage allowed for a driveway in the required front yard from 32% to 64% to allow for a three-car driveway; and a reduction of the required rear setback from 25' to 17.5' to allow for a 130 square foot (SF) encroachment for a single-story covered patio.

Please refer to Exhibit A, making note of the pie shape of Lot 14, Block 6 - Wind River. The result is a lot with only 49.95' for street frontage making, the required front yard much narrower than a standard 75' wide RS-2 zoned lot. The 4,000 square feet of livability space required for this lot will be met. Given the narrow required front yard combined with the livable space requirement being met resulting in what should be no reduction in the 'perkability' of the lot, staff can support this request.

The second request is to reduce the required rear setback for a 130 SF section of a single-story covered patio from 25' to 17.5' (please refer to Exhibits A and B). Referring to Exhibit C there does not appear to be a residential structure abutting this property immediately to the rear. With a privacy wall on the east boundary of the subject lot, an intervening road, another privacy fence on the east side of the road and approximately 280' separating this structure from the

nearest structure to the east, it would seem that a 7.5' reduction in rear setback appears negligible, having little to no impact.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-686-7 allowing 64% coverage of the required front yard for a three car driveway and allowing a reduction in rear setback from 25' to 17.5' for 130 SF only of a single-story covered patio.

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

14. **Z-7008 – Tanner Consulting/Five Five Properties, LLC** (PD-8) (CD-2)

North of the northeast corner of West 81st Street South and South Olympia Avenue (Detail Site Plan for a 1,428 square foot tunnel car wash.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 1,428 square foot (SF) tunnel car wash. The proposed use, Auto Wash only within Use Unit 17 – Automotive and Allied Activities is a permitted use within this Corridor District. On November 14, 2009, the TMAPC approved Lot Split 20343 creating Tracts A, B, and C within Lot 2, Block 2 – Tulsa Hills.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code. All sight lighting is limited to 15-feet in height within the east 120' of the site and 35' on the remainder of the tract. Site lighting will be directed down and away from adjoining residential properties in a manner which fully shields all light producing elements and reflectors from the view of a person standing at ground level within the residential area(s). A trash enclosure has been provided as required by the Corridor District Development Plan. All vacuum and mechanical equipment is located within the interior of the building as required. Roof mounted equipment is screened from the view of a person standing at ground level in adjoining residential area(s). Sidewalks will be provided along South Olympia Avenue as required by CO District Development Standards and Subdivision Regulations. Hours of operation are limited to 7 AM to 7 PM per the approved Corridor District Plan.

Staff recommends **APPROVAL** of the detail site plan for Lot 2, Block 2/Tract 2C – Tulsa Hills.

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

Mr. Walker announced that the following Items will be pulled from the consent agenda: 6, 15, 16 and 17.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker, "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** the consent agenda Items 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

6. **LC-270**– HRAOK, Inc. (Dwayne Wilkerson) (9432) Lot- (PD17) (CD6)
Combination

Southwest corner of East 51st Street South and South 129th East Avenue

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **6-0-1** (Carnes, Edwards, Liotta, McArtor, Midget, Walker, "aye"; no "nays"; Dix "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** the lot-combination for LC-270 per staff recommendation.

PUBLIC HEARING

STAFF RECOMMENDATION:

29. **PUD-761-A – Sack & Associates, Inc./Mark Capron** (PD-6) (CD-9)

Southeast corner of East 41st Street South and South Harvard Avenue
(Major Amendment to add Dry Cleaner Use, Use Unit 15) (Continued
from 7/6/10). (Related to Items 15, 16, 17, 28, & 30.)

Mr. Sansone stated that there has been a request for a continuance from Sara Kobos and possibly the Planning Commission should address that request first.

TMAPC COMMENTS:

Mr. Walker stated that this application was continued for one month previously and he is not inclined to continue it, but he would like to hear from the other members.

Mr. Carnes stated that this has been continued once and there are a lot of people attending today and he would like to hear it today.

Mr. Dix stated that he agrees with Mr. Walker and Mr. Carnes. He requested that this case be continued to a meeting he could attend, since he was gone for three weeks. He would like to hear it today.

The Planning Commission determined that there would be no continuance.

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21960 dated December 17, 2008, established zoning for the subject property.

PROPOSED ZONING: RM-2/OL/CS/PUD-761-A

PROPOSED USE: Dry cleaner

RELEVANT ZONING HISTORY:

PUD-761 December 2008: All concurred in approval of a proposed Planned Unit Development a 6.87± acre tract of land for a neighborhood shopping center (Harvard Square) on property located on the southeast corner of East 41st Street and South Harvard Avenue and the subject property.

Z-6906 December 2003: A request for rezoning a 1.49± acre tract of land from RM-2 to CS/PUD to permit a Wal-Mart Neighborhood Market was recommended for approval by Staff based on the existing adjacent uses and trends in the area, provided that the TMAPC recommends approval of the accompanying PUD on property located on the southeast corner of East 41st Street South and South

Harvard Avenue and the subject property. The TMAPC recommended for approval of the CS zoning and the City Council denied the application.

PUD-690 December 2003: A proposed Planned Unit Development on a 5.67+ acre tract of land (related to rezoning case Z-6906) to permit a Wal-Mart Neighborhood Market was recommended for approval by Staff and TMAPC per Staff recommendation with modifications; on property located on the southeast corner of East 41st Street South and South Harvard Avenue and the subject property. The City Council denied the application.

PUD-592-C June 2003: All concurred in approval of a request for a Major Amendment on a 3.08± acre tract of land to remove some existing structures within Development area C and to amend some permitted uses in Development area B on property located north and east of the northeast corner of East 41st Street South and South Harvard Avenue and north of subject property.

BOA-20338 September 26, 2006: The Board of Adjustment approved a Special Exception to permit a beauty shop (Use Unit 13) in an OL district with condition to limit to one salon per this development, with no time limitation on property located on south of the southwest corner of East 41st Street South and South Harvard Avenue.

BOA-20249 April 25, 2006: The Board of Adjustment approved a Special Exception to permit Christmas tree sales in CS, RM-2, RS-1 and OL districts; a Special Exception to permit alternative parking materials; a Variance of the 100 foot setback from the centerline of 41st Street for temporary buildings and outdoor sales; a Variance of the setback from an R district; and a Variance to allow building across lot line, finding by reason of extraordinary exceptional conditions or circumstances, subject to previous conditions as listed in the staff comments (1-10); in accordance with the site plan on file; and with permanent approval, on property located on the southeast corner of East 41st Street South and South Harvard Avenue and the subject property. This request has been made multiple times for this particular property.

Z-6818 June 2001: All concurred in approval of a request for rezoning a 1.34+ acre tract of land from RS-3 to OL within PUD-592 to permit funeral home with office use on property located north and east of the northeast corner of East 41st Street South and South Harvard Avenue and north of subject property.

PUD-592-B June 2001: All concurred in approval of a request for a Major Amendment to PUD to permit a funeral home use (related to rezoning request Z-6818 for OL zoning, which was approved) on property located north and east of the northeast corner of East 41st Street South and South Harvard Avenue and north of subject property.

Z-6804/PUD-592-A March 2001: A request to rezone a 2.09-acre RS-3 portion of the PUD to OM and a proposed Major Amendment to the PUD to add funeral home use. Staff recommended approval subject to modifications of the proposed standards. TMAPC denied the request. The applicant withdrew the application prior to consideration by the City Council; on property located north and east of the northeast corner of East 41st Street South and South Harvard Avenue and north of subject property.

PUD-642 February 2001: All concurred in approval of a proposed Planned Unit Development on a 1.89± acre tract of land for office development on property located south of the southeast corner East 41st Street South and South Harvard Avenue and abutting south of subject property.

PUD-592 August 1998: All concurred in approval of a proposed Planned Unit Development to allow two existing developments to share parking through a cross-parking easement, subject to modifications and conditions. One parcel contained a church, day nursery, parsonage and residence; the other parcel contained a movie, video and stage production company; on property located north and east of the northeast corner of East 41st Street South and South Harvard Avenue and north of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.84± acres in size and is located southeast corner of East 41st Street South and South Harvard Avenue. The property appears to be vacant and is zoned RM-2/OL/CS/PUD.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Secondary Arterial	100'	4
East 41 st Street South	Secondary Arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by Villa Grove Heights No. 1, zoned RS-1; on the north by 41st Street and then "41st Place", zoned OL/CH/RS-3/PUD-592-C; on the south by Peachtree Square Replat L5-6, Block 1 Villa Grove Heights No. 1, zoned OL/PUD-642; and on the west by Harvard Avenue and then Charles Teel Addition and Quadrangle Addition, zoned CS and OL respectively.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

In 2008, the TMAPC found a rezone of a small portion of the OL zoning on the property to CS **to be in accord** with the Plan with concurrent approval of PUD-761.

STAFF RECOMMENDATION:

PUD-761 is a 6.87 acre/299,257(+/-) square foot (SF) tract located at the southeast corner of 41st Street South and South Harvard Avenue. Approved in 2008, the PUD allows 60,000 SF of office, retail, restaurant and convenience uses with no single building to exceed 22,000 sf. A CVS pharmacy has been built on the hard corner of 41st Street and Harvard Avenue.

PUD-761 expressly forbids the following uses:

Pawn Shops, Pay Day Loan Offices, Tobacco Stores; Tattoo Parlors, Body Piercing Parlors, Self-Serve Laundromats, Drive-through Restaurants, Apartments, Auto Alarms Installation, Auto Parts & Accessories, Auto Radio and Stereo Installation, Auto Window Tinting, Bail Bond Office, Bars, Building Materials, Dance Halls, Day Labor Hiring, Electrical Supply, Gasoline Service Station, Gunsmith, Locksmith, Massage Parlor, Multi-family Dwellings, Night Clubs, Oil & Lubrication Service, Pawn Shop, Plumbing Fixtures, Pool Halls, Secondhand Store, Shoe Repair, Taverns, Tune-Up Service, Video Rentals.

In order to permit the construction of a dry cleaner on Lot 4 (see attached exhibits), Major Amendment PUD-761-A seeks to:

1. Add Dry Cleaner use only within Use Unit 15 to Lot 4, and limit the use to no more than 15,000 SF;
2. Waive the requirement that 50% of north side of the building on Lot 4 be landscaped;
3. Change the maximum height of an unoccupied architectural feature from 29' to 31 feet outside the east 100' of the PUD;
4. Tie the landscape requirement for the south boundary of the PUD to the development of Lot 3 rather than Lot 4 since Lot 3 borders the south boundary of the PUD;
5. Reflect a lot split; and
6. Change of access along 41st Street to allow for more direct access to Lot 4.

Staff supports the addition of Dry Cleaner use only within Use Unit 15 considering other uses that are permitted in the PUD. The waiver of the north side of building 50% landscape requirement is necessitated by the north end of the proposed building being under a canopy (see attached Detail Site Plan). In order to better keep with the approved "prairie style" architectural theme requiring a pitched roof, the 2 foot increase in building height requested for unoccupied

architectural features is appropriate. Since Lot 4 does not directly border the south boundary of the PUD staff supports having the developer of Lot 3 landscape Lot 3, rather than the developer of Lot 4. The change of access and lot split are viewed by staff as minor in nature.

Attached per the Planning Commissions request are the approved meeting minutes for the original approval of PUD-761, as well as, the original concept plan.

Staff finds the proposed uses and intensities of development to be in harmony with the spirit and intent of the Code. Staff finds PUD-761-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code:

Therefore, staff recommends **APPROVAL** of PUD-761-A subject to the following conditions:

1. All conditions of the approval of PUD-761 remain effective unless modified herein.
2. Development Standards:

PERMITTED USES

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Office, Studios and Support Services; 12, Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; Dry Cleaner only within Use Unit 15; and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

45,000 Limited to less than 5,000 SF for Dry Cleaner use only within UU15.

MAXIMUM BUILDING HEIGHT:

Within 100 feet of east boundary:	17 FT
Unoccupied architectural features	23 FT*
Remainder of Harvard Square:	23 FT
Unoccupied Architectural Features	29 FT*
Unoccupied Architectural Features on Lot 4	31 FT*

**Architectural elements shall be subject to Detailed Site Plan approval.*

LANDSCAPING AND SCREENING CONCEPT:

Landscape and screening concept will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscaping and additionally establish a 35 feet wide landscape buffer separating the development area from the four existing residences on South Jamestown Avenue adjacent to the development area on the east. A 20 foot wide landscape buffer will be established on the south boundary of the PUD (see "south boundary landscaping below").

SOUTH BOUNDARY LANDSCAPING:

The landscaping along the south boundary of the PUD will be as set forth on the South Boundary Landscape Details Exhibit, a copy of which is attached to PUD-761 as Exhibit "D-3" and will occur simultaneously with the Development of Lot 3.

BUILDING LANDSCAPING:

Landscaping will be installed along at least one-half (1/2) of the length of the front and side of the Lot Two (2), Lot Three (3) and Lot Four (4) buildings as follows:

Lot Four (4): East side.

3. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TAC Comments:

General: No comments.

Water: A water line extension or a fire hydrant installation could be required to meet fire code requirements.

Fire: Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 M) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 M).
2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

INCOG Transportation:

- **MSHP:** 41st Street is a designated secondary arterial.

- **LRTP:** 41st St. S., between S. Yale Avenue and S. Harvard Ave, existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- **TMP:** No Comments.
- **Transit:** Currently, Tulsa Transit operates services on this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

Applicant's Comments:

Ted Sack, Sack & Associates, Inc., 111 South Elgin Avenue, 74120, representing Yale Cleaners, stated that Yale Cleaners held a meeting for the neighborhood on July 22, 2010 and approximately 25 people attended. One of the issues that came up from the meeting was the concern about noise and there was an independent self-study of the noise issue (Exhibit A-3). Mr. Rothrock took a sound measurement at the Claxtons' property, which is southeast of the subject site. At this location the existing sound is greater than it is at two other facilities that Yale currently has operating. Mr. Sack concluded that he would like to hear from the interested parties and then respond to their comments.

INTERESTED PARTIES COMMENTS:

Kay Claxton, 4122 South Jamestown, 74135, stated that she appreciated the continuance to allow for the meeting that was productive. She believes that Yale Cleaners will try to be good neighbors, but she still has some concerns about it being next to her property. She expressed concerns about the value of her home declining. Ms. Claxton stated that during the meeting the representative for the developer agreed that they would develop the 35-foot green space all the way down the east wall of the property. She would like this to be a requirement and the possibility to file liens for non-maintenance of the green space. Ms. Claxton expressed concerns with the drive-through being approved because they are not pedestrian friendly. The concept of the PUD was to have a pedestrian friendly development. She expressed concerns with the remaining property left in the PUD and she doesn't want it to be considered for a big-box store.

Toni Graber, 4562 South Jamestown, 74135, stated that she is present for two reasons: one as the Vice President of the neighborhood association and one as a resident. The neighborhood did appreciate Yale Cleaners setting up a meeting for the neighborhood and approximately 14 people attended. The neighborhood understands the Claxtons' concerns and respects them, but the neighborhood association hasn't been able to hold a formal neighborhood meeting and she can't give their consensus on this application.

Ms. Graber stated that as a resident she believes that this will be a nice addition to the development.

TMAPC COMMENTS:

Mr. Walker asked Ms. Graber if the neighborhood knew about the neighborhood meeting that Yale Cleaners sit up. In response, Ms. Graber stated that she sent an email out to the neighborhood and Yale Cleaners posted signs on each entry of the neighborhood.

Applicant's Rebuttal:

Mr. Sack stated that in the agenda packet there was a letter from Steve Novick and all five items from that letter are being addressed in the major amendment, but they are planting different trees than he requested. Mr. Sack indicated that he talked to Mr. Novick last week and he indicated that he wouldn't be present and his letter spoke for itself and he thought it indicated that he was in support of the application.

Mr. Sack submitted a photograph of the existing screening wall and line of sight from the Claxtons' home (Exhibits A-1 and A-2). The exhibits demonstrate what Ms. Claxton would see from her home looking toward the subject development. Mr. Sack stated that with the existing eight-foot solid screening wall and the trees that will be planted there will be very little of the subject building in her view. The building will be sitting 130 feet back from the eight-foot solid masonry screening wall.

Mr. Sack stated that adjacent to the dry cleaners along the east boundary there will be 20 trees in that area and in the area south of the dry cleaners there will be 26 trees. The 35 feet is a landscape buffer that was approved in the PUD and will be improved by this first development. There are two existing large sycamores in the subject area and this developer will be planting the additional 26 trees as mentioned earlier.

TMAPC COMMENTS:

In response to Mr. McArtor, Mr. Sack stated that there are two landscape buffers, one to the south and one to the east. He requested that his client only be asked to improve the east buffer at this time and then improve the south buffer when the south boundary develops.

In response to Mr. McArtor, Mr. John Rothrock, 1504 West 118th Street South, Jenks, 74037, cited the noise decibels at the subject site and two other existing Yale Cleaner sites. He stated that the noise from the facility is contained within the building. Mr. Rothrock explained about the boilers boiling down and how often during the day this occurs. The sound levels during a full blow-down registered outside the same as general area sounds. The two present locations he tested the sounds were located in south Tulsa and east Tulsa. Mr. McArtor stated that he understands from the study that the development of this facility will

not increase the decibel levels at all. Mr. Rothrock stated that in the boiler room with the decibel reader up next to the blow-down tank, the maximum peak was 92 decibels and while he was driving his car between the two existing properties, he turned on the reader and it registered 89 decibels within the car.

Mr. McArtor asked Mr. Rothrock about the chemicals used at the facility and referenced the email received from Sara Kobos. Mr. Rothrock stated that his facilities have been PERC free since 1999. Eventually PERC will be banned across the nation. He explained that they use a petroleum-based product and it has a flash point of 140 degrees and meets fire standards. The petroleum product is environmentally safe and there is no remediation required for the filters.

Mr. Sansone stated that the 35-foot landscape buffer is already a requirement of the PUD, which is written into the original approval and carried over into today's recommendation. The original development standards that were approved by the Planning Commission for PUD-761 remain effective unless they are modified by the TMAPC. The original PUD put a cap on the size of any building that could be constructed in the PUD at 22,000 SF, which eliminates any big box retailers because they generally require greater than 22,000 SF. He doesn't believe staff would favor a proposal to combine lots to achieve a big box type development.

Mr. Sack stated that Ms. Claxton mentioned the drive-through facility and the PUD addressed a drive-through restaurant. There is a restriction that only one drive-through restaurant would be permitted, but it didn't address or speak to a drive-through for the pharmacy or a drive-through cleaners.

Mr. Midget asked Mr. Boulden about the possibility of a lien on the property if it isn't maintained. Mr. Boulden stated that the City of Tulsa already has a mechanism in place to address this issue. If the City of Tulsa has to maintain the buffer area, the cost will be allocated among the property owners, which in this case would be Yale Cleaners.

Mr. Carnes stated that Yale Cleaners branches are all over town and they are all extremely neat. The business world will force them to keep this just as neat at the subject location as any of their other locations. Mr. Midget stated that there is a comfort level there that the City of Tulsa has a mechanism to enforce the landscaping and maintenance requirement. Mr. Carnes stated that the developer has several more lots to sell so he will make sure that everyone is neat and clean. Mr. Sansone stated that a continuing condition of the Certificate of Occupancy issued on the building would be that the maintenance of the landscaping be kept up. A Certificate of Occupancy can be revoked if the landscaping isn't maintained properly.

Mr. Walker recognized Ms. Claxton.

Ms. Claxton stated that her concern was that the entire 35-foot buffer that runs all the way down the entire east wall of the PUD and not just where Yale Cleaners will be located would be maintained properly. She understood that Yale Cleaners agreed to do the entire east wall and not just where they are located and that it would be maintained.

Mr. Boulden stated that there is a PUD investigator who enforces compliance. If there is a tree that isn't replaced properly, then that would be a violation of the PUD and a call to Development Services or Neighborhood Inspections would see that it is complied with.

Mr. Sack stated that the entire east boundary line all the way down to the south boundary line would be planted.

Mr. Carnes stated that he would move to approve the major amendment understanding that the

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to recommend **APPROVAL** of the major amendment for **PUD-761-A** per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

Legal Description for PUD-761-A:

Harvard Square South, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

15. **LS-20381**– Sack and Associates (9328) Lot-Split (PD6) (CD9)
East of the Southeast corner of East 41st Street South and South Harvard Avenue (Related to Items 16, 17, 28, 29, & 30.)
16. **LC-260**– Sack and Associates (9328) Lot-Combination (PD6) (CD9)
South of the Southeast corner of East 41st Street South and South Harvard Avenue (Related to Items 15, 17, 28, 29, & 30.)
17. **Lot 4, Block 1, Harvard Square South** – (9328) Change of Access (PD 6) (CD 9)
Southeast corner of East 41st Street South and South Harvard Avenue (Related to Items 15, 16, 28, 29, & 30.)

STAFF RECOMMENDATION:

This application is made to allow a change of access to shift an existing access to the west along East 41st Street South. The property is zoned PUD-761.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** the consent agenda Items 15, 16 and 17 per staff recommendation.

30. **PUD-761-A – Sack & Associates, Inc./Mark Capron** (PD-6) (CD-9)
Southeast corner of 41st Street South and South Harvard Avenue (Detail Site Plan for 4,500 square foot dry cleaners.) (Related to Items 15, 16, 17, 28, & 29.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 4,500 square foot (SF) dry cleaners. The proposed use, Dry Cleaners only within Use Unit 15 – Other Trades and Services is a use permitted in PUD-761-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from 41st Street. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per PUD requirements and the landscape chapter of the Zoning Code. All sight lighting including wall mounted, meets PUD

height limitations for mounting height. Lighting will be directed down and away from adjoining residential properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within said residential district. A trash enclosure has been provided as required by the PUD. Sidewalks will be provided along 41st Street as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 4, Block 1 – Harvard Square South conditioned on the approval of major amendment PUD-761-A.

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel "absent") to **APPROVE** the detail site plan for PUD-761-A per staff recommendation.

28. **PUD – 761** – (9328) Plat Waiver (PD 6) (CD 9)
Southeast corner of East 41st Street South and South Harvard Avenue
(Related to Items 15, 16, 17, 29, & 30.)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment to allow a new use.

Staff provides the following information from TAC at their July 1, 2010 meeting:

ZONING:

TMAPC Staff: The property has been recently platted.

STREETS:

No comment.

SEWER:

No objection to plat waiver.

WATER:

A fire hydrant installation permit is required. An exception will be needed to allow for a water service line to be installed inside a utility easement to serve Lot 3, Block 1.

FIRE:

Add hydrant on existing water line to meet hydrant spacing requirements.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver of this 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. | X |
| 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.? | X |
| 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 |

*See related change of access request within this agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** the plat waiver for PUD-761 per staff recommendation.

- | | | |
|-----|---|--------------------|
| 23. | <u>CZ-404 – Lou Reynolds/Mr. Shelby Oakley</u> | AG to CS/IM |
| | Southeast corner of West 51 st Street and South 65 th West Avenue | (County) |

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-381 August 2006: All concurred in denial of a request for rezoning a 4.15± acre tract of land from AG to IL for light industrial use, finding no reason to eliminate the buffer of industrial use from the school (Jane Addams School), on property located south of southeast corner of South 65th West Avenue and West 51st Street.

CZ-157 February 1987: A request to rezone a 73.5 acre tract from AG to IL for industrial uses was recommended for denial by staff; however the TMAPC recommended approval of the request except for a 125' buffer on the eastern and southern boundary of Jane Addams School, which shall remain zoned AG. The County Commission approved the request per the TMAPC recommendation.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10+ acres in size and is located southeast corner of West 51st Street and South 65th West Avenue. The property appears to be vacant and is zoned AG. According to the Metropolitan Development Guidelines, the subject property qualifies as a ten-acre Medium Intensity node.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 51 st Street	Secondary arterial	100'	2
South 65 th West Avenue	Secondary arterial	100'	2

UTILITIES: The subject tract has municipal water and no sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by a large-lot single-family residential and accessory use, zoned AG; on the north by single-family residential uses, zoned RS in the County; on the south by single-family residential use, zoned AG, and farther to the south by Jane Addams School, zoned RS; and on the west by single-family residential and accessory uses, zoned RS in the County. Industrially-zoned and used properties lie farther east and south of the subject property and the entire area may be in transition.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 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 CS and IM zoning **are not** in accord with the Plan. However, as previously noted, the site meets the criteria for a Medium Intensity node and the general area may be transitional, with large tracts of IL and IM zoned properties to the east and south. Since this site is outside the City limits, it is not addressed in the PLANiTULSA document.

STAFF RECOMMENDATION:

The CS zoning at the intersection could qualify for a Type 2 Node (medium intensity for 10 acres). Staff can support the requested zoning and configuration, with the caution that these zoning designations not be allowed to extend farther south toward the Jane Addams Elementary School. The existing AG zoning adjacent to the school has been preserved as a buffer for the school and it is important that this be retained. With this consideration, staff recommends **APPROVAL** of CS/IM zoning for CZ-404.

TMAPC COMMENTS:

Mr. Walker stated that Mr. Reynolds indicated that he has a request for a continuance.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Suite 200, 74114, stated that he is working with one of the neighbors and his lawyer Steven Schuller. Mr. Schuller requested a continuance in order to work out some issues and he is in agreement with the request. Mr. Reynolds stated that there are some interested parties present and he tried to call everyone to notify them that there is a request for a continuance, but unfortunately he wasn't able to reach everyone.

Mr. Walker asked Mr. Sittler if he was okay with the continuance request. Mr. Sittler stated that if that is what the Planning Commission would like to do he would be okay with it. There are several people present today who have taken their time to come down.

Mr. Reynolds stated that Mr. Schuller and the parties that he has spoken with agreed on August 18th.

TMAPC Action; 7 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **CONTINUE** CZ-404 to August 18, 2010 at 1:30 p.m.

INTERESTED PARTIES COMMENTS:

Unknown interested party addressed the Planning Commission about the continuance and expressed concerns about having to come to another meeting. She asked why the neighbors weren't heard first before continuing.

Mr. Schuller, 1100 ONEOK Plaza, 74103, stated that he only represents one property owner and he requested the continuance to August 18th.

Mr. Midget stated that he could ask for reconsideration and give the citizens a chance to come up and speak since they don't feel that they will have a chance to come back. He explained that once the interested parties are finished speaking, then the motion will more than likely be made to continue this application to August 18th. Interested parties can choose to come back or speak now if they do not feel they can return on the 18th at 1:30 p.m.

After a lengthy discussion it was determined no interested parties wished to speak today and would return on August 18th at 1:30 p.m.

Mr. Boulden stated that if the interested parties are not able to attend the August 18th meeting they can submit their comments in writing to the Planning Commission.

* * * * *

27. **Pud-513-C – Storage Station of Tulsa, LLC** **RM-1/RM-2/OM/OMH/PUD-513 to RM-1/RM-2/OM/OMH/PUD-513-C**
East of southeast corner of East 51st Street and South Delaware Avenue (Major Amendment to split a 9 x 175 foot wide tract from the northeast corner of the site to be conveyed to the property owner to the east.) (PD-18b) (CD-9)
(Related to Items 24, 25, & 26.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22187 and 22188 dated January 29, 2010, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7146 January 2010: All concurred in approval of a request for rezoning a 1.61± acre tract of land from RM-2/OM to OMH on property located east of southeast corner of East 51st Street and South Delaware Avenue and a part of subject property.

PUD-513-B January 2010: All concurred in approval of a proposed Planned Unit Development a 4.5± acre tract of land for hotel use, on property located east of southeast corner of East 51st Street and South Delaware Avenue and the subject property.

Z-6675/PUD-513-A March 1999: All concurred in approval of a request for rezoning a 4.57± acre tract of land from RS/RM-1/OM/PUD-513 to RM-1/RM-2/OM/PUD-513-A and a proposed Planned Unit Development to expand existing PUD with office and mini-storage uses on property located east of southeast corner of East 51st Street South and South Delaware Place and the subject property.

PUD-295-A November 1996: All concurred in approval of a proposed Major Amendment to a Planned Unit Development a tract of land to increase the original PUD by adding three adjoining residential lots to allow single-family homes, additional parking for the existing townhouses, and a water retention facility, on property located south of the southeast corner of East 51st Street South and South Columbia Place.

Z-6517 January 1996: All concurred in approval of a request for rezoning a 2.7± acre tract of land from RM-1/CS/PUD-513 to RM-1/OM/PUD513 for office and mini-storage use, thereby bringing the north 150 feet of the tract into compliance with the Comprehensive plan on property located east of southeast corner of East 51st Street South and South Delaware Place and the subject property.

Z-6448/PUD-513 August 1994: Staff recommended for denial of a request for rezoning a 2.7± acre tract of land from RS-2 to RM-1/CS/PUD and a proposed Planned Unit Development to permit office use and mini-storage facilities. TMAPC and City Council concurred on approval of the proposal with OM zoning instead of RM-1 zoning, on property located east of southeast corner of East 51st Street South and South Delaware Place and the subject property.

Z-5948/PUD-257 June 1984: Staff recommended denial of a request for rezoning on a .47± acre tract of land from RS-2 to OM but approval of OL zoning, and a proposed Planned Unit Development for office development on property located on the southwest corner of East 51st Street South and South Columbia Place. The TMAPC and City Council concurred in approval of OM zoning as requested.

PUD-266 September 1981: All concurred in approval of a proposed Planned Unit Development on a 8.9± acre tract of land for an 18,000 square foot office building, 212 apartment unit development and a club house on property located on the south side of East 51st Street at South Delaware Place and abutting south and west of subject property.

PUD-295 September 1982: All concurred in approval of a proposed Planned Unit Development a tract of land for 21 townhomes with conditions on property located south of the southeast corner of East 51st Street South and South Columbia Place.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.5± acres in size and is located east of southeast corner of East 51st Street South and South Delaware Place. The property is developed and is zoned RM-1/RM-2/OM/PUD-513/PUD-513-A/PUD-513-B

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 51 st Street South	Secondary Arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by unplatted property, zoned OM and RM-2; on the north by 51st Street and then vacant land, zoned OM/OL/RM-2 (this property will ultimately be I-44 ROW once the widening is complete); and on the south and west by Brittany Square, zoned RM-1/RM-2/PUD.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18b Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being medium intensity - office. On December 2, 2009 the TMAPC found the existing OMH/PUD zoning **to be in accord** with the Plan and on 1/7/10 the Tulsa City Council concurred.

STAFF RECOMMENDATION:

Recommended for approval by the TMAPC on December 2, 2009 and approved by the Tulsa City Council on January 7, 2010, major amendment PUD-513-B was an infill development proposal consisting of 4.5 acres (196,240 SF) located west of the southwest corner of East 51st Street South and South Harvard Avenue. The southern 2/3 of the property is an existing mini storage while the northern 1/3 has three small one-story structures and a parking lot.

PUD-513-B proposed to remove the existing dated offices and allow for construction of a three-story, 60-room hotel on the northern 1/3 of the site as necessitated by the widening of I-44 and the removal of several hotels and motels in the area. The subject property is being re-platted.

Triggering the need for major amendment PUD-513-C is the split of a 9' x 175' wide tract from the northeast corner of the site (see Exhibit B). The result is a slight decrease in overall land area of the PUD and lot area for the hotel. The 1,575 square foot (SF) tract will be conveyed to the property owner to the east; the conveyance of which is conditioned upon the approval of this amendment. There is no request to change any development standard of PUD-513-B as approved.

In light of the minor adjustment in total land area of the PUD, staff continues to find the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-513-C 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-513-C subject to the following conditions (development standards are brought forward herein from PUD-513-B with no changes excepting gross and net land area):

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

Gross

Net

LAND AREA:	207,915 SF	194,665 SF
	<u>Area A Gross</u>	<u>Area A Net</u>
	74,970	59,220

MAXIMUM BUILDING FLOOR AREA:

Development Area A:

OMH and Hotel Use: 60,000 SF

Development Area B:

None

Development Area C:

68,000 SF*

**Any building floor area not used for mini-storage may be added to the permitted building floor area for Development Area A*

PERMITTED USES:

Development Area A:

All uses available by right or special exception in OMH

Development Area B:

Private Access Drive, Parking, Landscaping, Trash Enclosure

Development Area C:

Mini-storage and customary uses and Use Unit 11 uses

MAXIMUM BUILDING HEIGHT:

OMH and Hotel Use: 50 feet

Use Unit 11 Use: 35 feet

Mini-storage uses: 12 feet**

***Exterior perimeter walls of the mini-storage buildings shall not exceed eight (8) feet in height.*

MINIMUM PERIMETER BUILDING SETBACKS:

From centerline of 51st Street: 100 feet

From West and East property lines:

Development Area A: 10'

Development Area B: 10'

Development Area C: 5'

From South property line: 3'

From Internal Lot Lines: 0'

MINIMUM REQUIRED OFF STREET PARKING:

Per the applicable use unit in the Zoning Code.

MINIMUM LOT FRONTAGE:

75 feet for lots abutting 51st Street

MINIMUM LANDSCAPED OPEN SPACE:

OMH Use 15%

Hotel Use 10%

Mini-storage Uses: 10%

MAXIMUM SIGNAGE:

As permitted by the Zoning Code within the CS district *.

** One sign shall be permitted along the 51st Street frontage for the mini-storage facility not to exceed 25' in height nor 150 SF of display area.*

SCREENING:

The perimeter of the PUD (excluding 51st Street frontage) will be screened by the existing fencing, new screening fence, or the walls of the buildings to be built on the property. The TMAPC shall determine appropriate screening at the time of Detail Site Plan Approval.

DOOR OPENINGS:

The mini-storage shall be designed so that all openings to mini-storage buildings are screened from view by persons standing at ground level at the boundaries of the PUD. This screening shall be accomplished by the use of the exterior building walls of storage units. Access gates shall be opaque if needed to screen interior door openings.

TRASH/MECHANICAL:

All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.

STORAGE LIMITATIONS:

No hazardous, toxic or explosive materials will be permitted to be stored in the mini-storage facilities. Open-air storage is prohibited.

LIGHTING:

Exterior light standards shall not exceed 15 feet in height and shall be hooded and directed downward and away from the 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. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

ACCESS AND CIRCULATION:

Access to the property is provided by 51st Street which runs along the northerly boundary of the property. Access to Development Areas A and B is directly from 51st Street. Access to Development Area C is through Development Area B from 51st Street and across a mutual access easement along Development Area B. Internal circulation will be provided by interior drives. (See Exhibit "B").

Sidewalks will be constructed along 51st Street or maintained where existing as required by subdivision regulations.

LANDSCAPING:

A Detailed Landscaping Plan shall be submitted to and approved by the Tulsa Metropolitan Area Planning Commission and a statement from a licensed landscape architect that the required landscaping is installed shall be delivered to the City of Tulsa prior to occupancy of a building.

3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the same, which includes all buildings, required parking, and landscaping 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 shall be submitted to the TMAPC for review and approval. A Landscape Architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area 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 a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

8. No building permit shall be issued until the requirements of Section 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.
9. Perimeter walls shall require the approval of a detail site plan by The TMAPC prior to building permits being issued.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. There shall be no outside storage of boats, vehicles, trailers or other items. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck-trailers or containers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers or outside containers shall not be used for storage.

TAC Comments:

General: No comments.

Water: A six-inch water main line will need to be abandoned and rerouted to serve Lots 5 & 6 before any building permit can be issued. The requirements for Lot Combination number LC-261 must be met.

Fire: Verify that the emergency vehicle access to the storage facility is in an emergency vehicle access easement.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 M) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 M).
2. For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet.

Stormwater: An off-site easement may be required to convey the additional stormwater drainage from this area to the Joe Creek Channel.

Wastewater: O.K. for PUD amendment. However, the site plan shows a proposed building over the existing sanitary sewer main. Before a building permit can be issued, the existing sanitary sewer line must be relocated; the new line accepted by the City of Tulsa; and the existing line, with it's associated easement, closed by ordinance.

Transportation: In the Access and Circulation standards include statement that sidewalks will be provided.

Traffic: No comments.

INCOG Transportation:

- **MSHP:** E. 51st Street is a designated secondary arterial.
- **LRTP:** E. 51st St. S., between S. Lewis Ave and S. Harvard Ave, existing 4 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** A planned multi-use trail is just to the east of the parcel along Joe Creek.
- **Transit:** Currently, Tulsa Transit operates an existing route on S. Harvard Ave, less than a mile from this development location. 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.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Suite 500, 74103, stated that this is related to Items 25, 26 and 27. These properties under application today will be developed as one lot. There is a requirement that the entire property be replatted and it will be a one lot, one block plat. There is a closing and it is necessary to have the lot-split approved and there is a condition that a replatting will occur. The platting is in the process.

TMAPC COMMENTS:

Mr. Walker stated that there are no interested parties signed up for this application. Mr. Walker suggested that Item 27 be considered first.

Mr. Coutant stated that the amendment is to allow for a stripping off of a little piece of property that will be allocated to the east and combined with it. The development standards are not changing and everything else is the same.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to recommend **APPROVAL** of the major amendment for PUD-513-C per staff recommendation.

Legal Description for PUD-513-C:

Lots 1, 2, 3, 4, 5, 6 and 7, Block 1, STORAGE STATION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; less and except the east 9 feet of Lot 2, Block 1 and the east 9 feet of the north 75 feet of Lot 3, Block 1, STORAGE STATION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

24. **LC-261**– Storage Station of Tulsa, LLC (9332) Lot-Combination (PD18b) (CD9)
East of the Southeast corner of East 51st Street and South Delaware Place (Related to Items 25, 26, & 27.)
25. **LS-20382**– Storage Station of Tulsa, LLC (9332) Lot-Split (PD18b) (CD9)
East of the Southeast corner of East 51st Street and South Delaware Place (Related to 24, 26, & 27.)
26. **LC-262**– Storage Station of Tulsa, LLC (9332) Lot-Combination (PD18b) (CD9)
East of the Southeast corner of East 51st Street and South Delaware Place (Related to 24, 25, & 27.)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** Items 24, 25 and 26 per staff recommendation.

22. **Z-7157/PUD-778 – DeShazo, Tang & Assoc./Hendrix Properties** **AG to CS/PUD**

Northwest corner of 101st and Garnet (Staff is requesting a continuance to 9/7/10 to collect additional information.)

STAFF RECOMMENDATION:

Staff is requesting a continuance in order to collect additional information.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **CONTINUE** the Z-7157/PUD-778 to September 7, 2010.

COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

18. Park Plan

Public hearing to consider adopting the City of Tulsa Park Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.
Resolution 2581:899 (Continued from 7/6/10)

STAFF RECOMMENDATION:

RESOLUTION NO.: 2583:899

A RESOLUTION ADOPTING THE TULSA PARKS AND RECREATION MASTER PLAN, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA

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

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

WHEREAS, a public hearing was held on the 6th day of July, 2010 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to adopt The Tulsa Parks and Recreation Master Plan, a part of the Tulsa Comprehensive Plan for the Tulsa Metropolitan Area, as contained in the attached Plan maps and text.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC that The Tulsa Parks and Recreation Plan Map and Text, as attached and made a part hereof, be and are hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Applicant's Comments:

Steve Carr, City of Tulsa Planning Department, stated that he made a presentation at the Planning Commission's work session and there is no one signed up to speak against the plan that he is aware of. He asked the Planning Commissioners have any questions.

TMAPC COMMENTS:

Mr. Walker asked if the resolution has been drafted. In response, Mr. Boulden stated that there is a resolution drafted, but he is uncomfortable with it since there is a new comprehensive plan in place. He requested that the Planning Commission approve this with the condition that there be no substantive changes, but that it be restructured.

Mr. Carr agreed to Mr. Boulden's suggestion.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **6-0-1** (Carnes, Dix, Liotta, McArtor, Midget, Walker, "aye"; no "nays"; Edwards "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to recommend **APPROVAL** of the adoption the Tulsa Parks and Recreation Master Plan, Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, subject to a redrafting of the resolution to comport with the language of the new Comprehensive Plan and authorize the Chairman to execute the resolution that is drafted by Legal.

PUBLIC HEARING (cont'd)

31. **Z-7158/PUD-737-A – Jim** **RS-3/PUD-737 to AG/PUD-737-A**
Litchfield/Stratford Ridge

Southeast corner of East 11th Street and South 161st (PD-17) (CD-6)
East Avenue (Abandonment of PUD-737 and rezone to
AG zoning.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21564 dated June 29, 2007 and Ordinance number 21585 dated July 31, 2007, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-737 July 2007: A request was made for a proposed Planned Unit Development on a 140± acre tract of land for 600 residential dwellings and commercial use. Staff recommended approval of per conditions and TMAPC recommended approval of 543 residential dwellings with conditions. The City Council approved the PUD with condition of no more than 453 dwelling units, on

property located on the Southeast corner of East 11th Street and South 161st East Avenue and a part of the subject property.

Z-7045 June 2007: A request was made to rezone a 140+ acre tract from AG to 135 acres to RS-4 and 5 acres to CS for residential and commercial use. The applicant changed the request from RS-4 to RS-3. Staff recommended for 5 acres to CS and 100' buffer of OL and the remainder RS-3 if TMAPC approved PUD. The TMAPC recommended approval per staff recommendation except RS-2 instead of RS-3. The City Council approved 5 acres to CS and remainder to RS-3, on property located on the Southeast corner of East 11th Street and South 161st East Avenue and a part of the subject property.

Z-6671 February 1999: All concurred in approval of a rezoning of a tract of land from RS-3 to AG, lying one-half mile northeast of the subject site.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 91.98+ acres in size and is located southeast corner of East 11th Street and South 161st East Avenue. The property appears to be vacant and is zoned RS-3.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 11 th Street	Secondary arterial	100'	2
South 161 st East Avenue	Secondary arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by large-lot single-family residential uses and vacant land, zoned AG and RS-1; on the north by vacant land and large-lot single-family residential uses, zoned CS/OL/RS-3 and AG; on the south by vacant land, zoned RD and AG; and on the west by large-lot single-family residential uses, zoned RS-3. The northwest corner of 11th Street and 161st East Avenue

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity – No Specific land use. According to the Zoning Matrix, the requested AG zoning is in accord with the Plan. However, the newly adopted PLANiTULSA comprehensive plan calls for this area to be a neighborhood, in which AG zoning would not be compatible.

STAFF RECOMMENDATION FOR ZONING:

Staff cannot support the requested AG zoning. This area is viewed as having potential for future and more dense development. Moreover, the City has recently invested significant funds to increase utility service to the area for that reason, showing a commitment to the PLANiTULSA goals of infill development and more efficient land use. An AG use would be counter to that goal. Therefore, staff recommends **DENIAL** of AG zoning on Z-7157.

STAFF RECOMMENDATION FOR PUD:

PUD-737 was approved in 2007 and is a planned residential development with a five acre commercial node on the southeast corner of East 11th Street South and South 161st East Avenue. The tract has 2,310 feet of frontage along East 11th Street and 2,640 feet of frontage on 161st East Avenue. Corresponding RS-3 and CS zoning were approved in support of the proposed development (see accompanying zoning map). Referring to Exhibit A, the 32 acre (+/-) tract identified as Parcel 1 is not a subject of this application and would remain PUD-737 should the Planning Commission approve this amendment. Also, the CS zoned tract at the hard corner would remain zoned CS without the PUD designation.

The remaining 91-acre site is characterized by wooded, rolling terrain with a ridgeline that runs north/south along the western half of the subject property and a smaller ridgeline situated in the north central portion of the site along East 11th Street South. There are three drainage ways located on-site which were proposed for stormwater detention.

PUD 737-A permits a maximum of 108,900 square feet (SF) of commercial floor area and 543 single-family residential dwellings on 50' wide lots. The minimum lot size of 5,500 SF with a livability space requirement of 2,000 SF per lot.

The City has extended utility service to the area based on an urban density of development including construction of a sanitary sewer lift station and force main to serve the densely planned residential subdivision (see Exhibit A-1). Reverting back to rural density zoning would not provide adequate density of development required to satisfy the investment by the City. See the TAC comments below.

The PLANiTULSA comprehensive plan adopted by the Tulsa City Council on July 22, 2010 identifies this area as an "area of growth/change". The northwest section of the property is designated as a neighborhood center while the remainder of the property is targeted as a new neighborhood. Neighborhood centers are mixed use developments designed to serve surrounding neighborhoods. Rezoning the area back to a low density, agricultural district appears contrary to the goals and policies of the new comprehensive plan.

Given the significant capital investment made by the City of Tulsa in the area and designation of the area by PLANiTULSA as a neighborhood center and new neighborhood, staff recommends **DENIAL** of PUD-737-A.

TAC Comments:

General: As pointed out in the wastewater comments below, the City of Tulsa entered into a contract with the developer of the subject property. Until legal issues are resolved, Development Services opposes the approval of this application. A representative of Development Services will be present at TMAPC to provide additional information.

Water: The extension of a water main line to serve each lot will be required.

Fire: No comments.

Stormwater: No comments.

Wastewater: The City of Tulsa has constructed a Sanitary Sewer Lift Station to serve a planned residential subdivision on this 140 acre tract. It may be necessary to retain the present zoning in order to generate enough flow for the Lift Station to function properly. Contact Bob Shelton with the City of Tulsa Engineering Division (596-9572) for the City's position on the proposal. (See RFA Contract #25477)

Transportation: No comments.

INCOG Transportation:

- MSHP: E. 11th St. S. and S. 161st E. Ave, existing 2 lanes. 100' ROW should be maintained and sidewalks should be included along 11th, 161st, and on all internal streets per Subdivision Regulations.
- LRTP: E. 11th St. S., between S. 161st E. Ave and S. 177th E. Ave, existing 2 lanes. S. 161st E. Ave, between E. 11th St. S. and E. 21st St. S., existing 2 lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- TMP: No Comment
- Transit: No current or future plans for this location.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

STAFF RECOMMENDATION:

Mr. Sansone stated that staff received a continuance request from the applicant today. Staff is amenable to the continuance.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **CONTINUE** Z-7158/PUD-737-A to August 18, 2010 at 1:30 p.m.

* * * * *

19. **The Little Light House Extended** – (9322) Preliminary (PD 6) (CD 5)
Plat

Southeast corner of East 36th Street South and South Yale Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 6.1 acres.

The following issues were discussed July 1, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 410 B. All PUD requirements must be shown in covenants.
2. **Streets:** Provide documentation for the amended 30-foot private driveway easement. The private driveway easement that is to be established should be called "mutual access easement" and should be established by this plat. Provide standard language for the mutual access easement being established by this plat. Show document number for separate instrument easement.
3. **Sewer:** Vacate all of old plat as new building is planned over an easement. Check with staff located at 23rd and Jackson.
4. **Water:** A 20-foot restrictive waterline easement is needed to cover the existing meter vault near the north eastern entrance of the property. Add restrictive water line easement language.
5. **Storm Drainage:** Add a note to the face of plat stating that detention for this platted area is provided off-site in Reserve A, which is located adjacent to and south of the southwestern portion of the platted area, as is shown. Add standard language for the roof drainage. How is the centrally located landscaping area to be drained?
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO is working with applicant on new transformer location.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 40 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. A fire hydrant will be required to protect the north side of the building.

GIS: The basis of bearing needs to be clearly defined. Submit control data form.

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 and Development Services 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; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, , McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** the preliminary plat for The Little Light House Extended, subject to special conditions and standard conditions per staff recommendation.

20. **Skyline Park** – (2432) Minor Subdivision Plat (PD 16) (CD 6)
205 North Garnett, East of Garnett Road, South of East Pine

STAFF RECOMMENDATION:

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

The following issues were discussed July 15, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL (industrial light). Strike sections in covenants on Planned Unit Developments as there is no PUD on the site.
2. **Streets:** Modify Section I.L relating to sidewalk to be site specific i.e. remove reserves, minor streets, etc. Show five-foot wide sidewalk.
3. **Sewer:** In Section I-G, use the standard language for this restriction.
4. **Water:** No comment.

5. **Storm Drainage:** Extend the north Overland Drainage Easement to the western property line. Section I.I.3 remove "or single trunk trees having a caliper of not less than two and one-half (2 ½) inches".
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: For the basis of bearing, state the bearing in degrees, minutes and seconds, along with the description of it. On the location map move the property site shaded box down to the correct location as shown on the face of plat (NW4, SW4, NW4). Increase subdivision text size on the location map to be more legible. Add M and R to legend with descriptions. On the face of the plat the bearing between the point of commencement and the point of beginning should be in a northeasterly direction to match the legal description. Show iron pin symbol on the northwest corner of the property. Extend leader line for 17-foot right-of-way description to point underneath dimension line. Recheck total width distance. Add less and except 17 feet of right-of-way to legal description. The utility easement along the south should extend to the property line so that access to utilities is provided to adjacent properties. The western property line should be shown as it will be after the dedication and not as presently shown.

Airport: Staff will be checking for possible future south runway and effect.

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 and Development Services 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; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Carnes, Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Leighty, Shivel, Wright "absent") to **APPROVE** the minor subdivision plat for Skyline Park, subject to special conditions and standard conditions per staff recommendation.

* * * * *

21. **PUD – 750 –** (9307) Plat Waiver

(PD 6) (CD 4)

North of the Northwest corner of East 17th Street and South Lewis Avenue

STAFF RECOMMENDATION:

The platting requirement was triggered by the approval of PUD 750 in March 2008.

Staff provides the following information from TAC at their July 15, 2010 meeting:

ZONING:

TMAPC Staff: Covenants need to be provided that incorporate the PUD standards. Sidewalks need to be provided as required.

STREETS:

Additional 5 feet of right-of-way required along Lewis Avenue.

SEWER:

No comment.

WATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Normally, a Minor Subdivision plat, at the minimum, would be required after the approval of a Planned Unit Development zoning. However, a former City Council member made a commitment to waive replats subject to right-of-way, access and covenants dedication in three cases in the "Lewis Study Area" to assist in redevelopment costs, although only the TMAPC has the authority to waive the platting requirement. This request is similar to a plat waiver requested by Margee Aycock at 1601 South Lewis that was facilitated by Councilor Gomez when he was in office for the Council 4 District in the "Lewis Study Area". That plat waiver is still on hold and awaits right-of-way dedication, mutual access easements, drainage plans and covenants. No fees were charged for that waiver request from 10/2008 nor for the current requested plat waiver. Covenants with the Planned Unit Development standards will be required to be dedicated separately as well as additional right-of-way if this plat waiver is granted. The applicant may phase work on this PUD project.

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. | | X |
| 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

Applicant's Comments:

Hollis Allen, 7666 East 61st Street, Suite 475, 74133, stated that this will be for office light use as was granted by the PUD in 2008.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** the plat waiver for PUD-750 per staff recommendation.

OTHER BUSINESS:

None.

There being no further business, the Chair declared the meeting adjourned at 5:00 p.m.

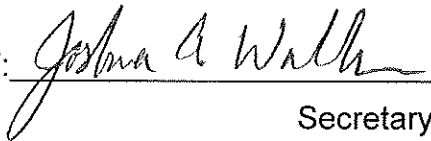
Date Approved:

8/18/10



Chairman

ATTEST:


Secretary