

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2610**

Wednesday, September 21, 2011, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell		Alberty	Edmiston, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	Swiney, Legal
Edwards		Huntsinger	
Leighty		Matthews	
Liotta		Sansone	
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 15, 2011 at 11:33 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Leighty called the meeting to order at 1:30 p.m.

**REPORTS:**

**Director's Report:**

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

Mr. Alberty reported on the TMAPC Receipts for the month of August 2011.

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

## **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.**

1. **LS-20462**, (Lot-Split) (County), Location: South of the southwest corner of North Mingo Road and East 136<sup>th</sup> Street North
2. **Partial Vacation of Plat and Amendment of Deed of Dedication-** Stanford Court Subdivision, Location: North of northwest corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue
3. **PUD 460-** Change of Access, Location: West of South Mingo Road, north of East 81<sup>st</sup> Street, Lot 2, Block 1, Sonoma Grande Addition, (CD-7)
4. **Z-7008-SP-3b – Lou Reynolds/CPBS Land Company, LLC**, Location: North of the northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue, Requesting a Corridor Plan Minor Amendment to transfer 2,000 square feet of floor area from Lot 2/Tract 2A to Lot 2/Tract 2B within Block 2 of Tulsa Hills to accommodate a Jiffy Lube retail oil change outlet, CO, (CD-2)

## **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:**

### **PUBLIC HEARINGS:**

5. **LC-354**, (Lot-Combination) (CD-8), Location: West of the northwest corner of South Sheridan Road and 121<sup>st</sup> Street South (Related to Item 6)
6. **LS-20457**, (Lot-Split) (CD-8), Location: West of the northwest corner of South Sheridan Road and 121<sup>st</sup> Street South (Related to Item 5)
7. **Stonegate III -** Preliminary Plat, Location: East of the northeast corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue (CD 6) (Continued from 9/7/2011)
8. **Crossing at 86<sup>th</sup> Street Phase V –** Preliminary Plat, Location: Southwest corner of North 86<sup>th</sup> East Avenue and Sheridan Road (County)
9. **Tradition Blocks 8-11 –** Minor Subdivision Plat, Location: West of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road (CD 8)
10. **Z-1072-** Plat Waiver, Location: 3333 East 28<sup>th</sup> Street South, Lots 23, 24, Block 9, Kirkmoore Addition (CD 9)

11. **CBOA-2410** – Plat Waiver, Location: 5802 West 51<sup>st</sup> Street South (County)
12. **Z-7008-SP-4** – Plat Waiver, Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (CD 2)
13. **PUD-786 – Tulsa Development Authority & Tulsa North Community Development Corporation**, Location: North and east of East Latimer Street and North Main Street, Requesting PUD to construct a mixed-use facility permitting 162 senior living apartment units with commercial floor area space, **RS-4/CS to RM-3/CS/PUD** (CD-1) (Continued from 9/7/11)

**OTHER BUSINESS**

**14. Commissioners' Comments**

**ADJOURN**

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**MINUTES:**

**CONSENT AGENDA**

1. **LS-20462**, (Lot-Split) (County), Location: South of the southwest corner of North Mingo Road and East 136<sup>th</sup> Street North
2. **Partial Vacation of Plat and Amendment of Deed of Dedication- Stanford Court Subdivision**, Location: North of northwest corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue

**Item 2 Stricken**

3. **PUD 460**- Change of Access, Location: West of South Mingo Road, north of East 81<sup>st</sup> Street, Lot 2, Block 1, Sonoma Grande Addition, (CD-7)

**STAFF RECOMMENDATION:**

This application is made to allow a change of access to delete a 30-foot access and add a 40-foot access to the east along South Mingo Road. The property is zoned PUD-460.

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.

4. **Z-7008-SP-3b – Lou Reynolds/CPBS Land Company, LLC**, Location: North of the northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue, Requesting a Corridor Plan Minor Amendment to transfer 2,000 square feet of floor area from Lot 2/Tract 2A to Lot 2/Tract 2B within Block 2 of Tulsa Hills to accommodate a Jiffy Lube retail oil change outlet, CO, (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to transfer 2,000 square feet (SF) of floor area from Lot 2 / Tract 2A to Lot 2 / Tract 2B within Block 2 of Tulsa Hills (see attached exhibit). The requested transfer of floor area is to accommodate the construction of a Jiffy Lube retail oil change outlet.

There is no request to increase floor area within the development area.

Lot 2, Block 2 is also identified as Development Area E within Tulsa Hills. Existing floor area allocations for Lot 2 are as follows:

Lot / Tract	Lot Size	Allocated Floor Area	Floor Area Ratio (FAR)
Lot 2 / Tract 2A	126,460 SF	29,943 SF	.24
Lot 2 / Tract 2B	24,231 SF	2,800 SF	.11
Lot 2 / Tract 2C	55,727 SF	5,500 SF	.10
Lot 2 / Tract 2D	79,541 SF	18,818 SF	.24
<b>Total:</b>	<b>258,959 SF</b>	<b>57,061 SF</b>	<b>.20</b>

Proposed floor area allocations as the result of a transfer of 2,000 SF of floor area from Tract 2A to Tract 2B are as follows:

Lot / Tract	Lot Size	Allocated Floor Area	Floor Area Ratio (FAR)
Lot 2 / Tract 2A	126,460 SF	27,943 SF	.22
Lot 2 / Tract 2B	24,231 SF	4,800 SF	.19
Lot 2 / Tract 2C	55,527 SF	5,500 SF	.10
Lot 2 / Tract 2D	79,541 SF	18,818 SF	.24
<b>Total:</b>	<b>285,959 SF</b>	<b>57,061 SF</b>	<b>.20</b>

Staff contends that the transfer of 2,000 SF of floor area will not significantly alter the approved development plan or the purposes and standards of the Corridor Chapter of the Code and recommends **APPROVAL** of minor amendment Z-7008-SP-3b

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

Item 2, Partial vacation of plat and amendment of Deed of Dedication for Stanford Court Subdivision has been stricken from the agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

**TMAPC Action; 11 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 1, 3 and 4 per staff recommendation.

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**PUBLIC HEARING**

5. **LC-354**, (Lot-Combination) (CD-8), Location: West of the northwest corner of South Sheridan Road and 121<sup>st</sup> Street South (Related to Item 6)

**STAFF RECOMMENDATION:**

The Lot-Combination proposal is to combine two AG (Agricultural) Tracts for the purpose of a Lot-Split application (LS-20457).

The City of Tulsa is requiring that a total of 60 feet of right-of-way be dedicated per the *Major Street and Highway Plan* before the lot-combination can be approved. The applicant is requesting a waiver of the *Major Street and Highway Plan* from the required 60 feet to 30 feet. City staff is not in favor of the waiver and is requiring the 60 feet to be dedicated. Staff cannot support the waiver of the *Major Street and Highway Plan*.

Given that the applicant is asking for a waiver of the *Major Street and Highway Plan* staff can not recommend approval of the Lot-Combination and is recommending **DENIAL**. Staff could support this application and recommend **APPROVAL** of the Lot-Combination if right-of-way was dedicated per the *Major Street and Highway Plan* and City of Tulsa recommendation.

**TMAPC COMMENTS:**

Ms. Cantrell asked if the subdivision were to be waived, she assumes, since the BOA required it, the Planning Commission wouldn't have the authority to waive it. Mr. Bates stated that staff can't support waiving it due to the BOA requirement and the applicant was made aware of that.

Applicant was not present.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **DENY** the waiver of the Major Street and Highway Plan and **DENY** LC-354.

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6. **LS-20457**, (Lot-Split) (CD-8), Location: West of the northwest corner of South Sheridan Road and 121<sup>st</sup> Street South (Related to Item 5)

**STAFF RECOMMENDATION:**

The lot-split proposal is to split an AG (Agricultural) tract that will be combined through Lot-Combination 354 into two tracts.

Both of the resulting tracts would have more than three side lot lines as required by the Subdivision Regulations. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract have more than three side lot lines. Staff does not feel that this request would have an adverse effect on the surrounding properties and would recommend approval of this waiver.

Additionally, one of the resulting tracts does not meet the Bulk and Area Requirements for an AG-zoned piece of property. The applicant sought variances from the Board of Adjustment to vary the Bulk and Area Requirements through case BOA-21319. The necessary variances were approved at the 9/13/2011 Board of Adjustment meeting. However, the Board approved the variances with the condition that adequate right-of-way be dedicated to the City of Tulsa

The City of Tulsa is requiring that a total of 60 feet of right-of-way be dedicated per the *Major Street and Highway Plan* before the lot-split can be approved. The applicant is requesting a waiver of the *Major Street and Highway Plan* from the required 60 feet to 30 feet. City staff is not in favor of the waiver and is requiring the 60 feet to be dedicated. Staff cannot support the waiver of the *Major Street and Highway Plan*.

Given that the applicant is asking for a waiver of the *Major Street and Highway Plan* staff can not recommend approval of the Lot-Split and is recommending **DENIAL**. Staff could support this application and recommend **APPROVAL** of the lot-split if a waiver of the *Subdivision Regulations* was granted for no lots with more than three side lot lines and if right-of-way was dedicated per the *Major Street and Highway Plan*.

Applicant was not present.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **DENY** the waiver of the Subdivision Regulations and the LS-20457.

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7. **Stonegate III - Preliminary Plat**, Location: East of the northeast corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue (CD 6) (Continued from 9/7/2011)

**STAFF RECOMMENDATION:**

This plat consists of 153 lots, six blocks, on 38.99 acres.

The following issues were discussed August 18, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 784 (RS-3). Square footages of each lot need to be shown. Typos in covenants need to be corrected. All PUD standards need to be shown in the covenants. A Homeowners' Association is required to be formed. All PUD standards must be met.
2. **Streets:** Add note on face of plat: Where sidewalks are not constructed by developer, the builder of each lot shall construct the required sidewalk.
3. **Sewer:** None of the side lot easements are dimensioned, and they appear to be a different size from the back to back 11' easements along the back lot lines. The side lot easement between Lots 11 and 12, Block 1, and between Lots 20 and 21, Block 1, must be a minimum of 15' in width with the sewer pipe centered within the easement. The 15' building line along the south boundary line of Block 1 must also be designated as a utility easement. In Section II b-2, omit the words "In Excess of 3 Feet".
4. **Water:** Provide utility easements on the south side and east side of roadways along the route of the water main line. The extension of a looped water main line is required. Show water service conduits serving each lot. Include fire hydrants and valves on the proposed water main line.

5. **Storm Drainage:** Remove the contours, the phases, and the phase dividing line. Label the storm sewer easements running north and south in Blocks 3, 5, and 6. They should be centered on the lot lines and have a minimum width of 7.5 feet on each lot. These widths must be labeled on the plat. Add storm sewer easement to the legend. Use standard language for "water, sanitary sewer, and storm sewer service", "Reserve "A" Stormwater Detention Easement", and "Surface Drainage". Add standard language for "Roof Drainage Requirements". In Section II G. and H. Overland drainage easement use is defined. If overland drainage easements will be required for this platted area, then the standard language for overland drainage easements must be added to the covenants.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.
7. **Other: Fire:** No fire hydrants shown on conceptual drawings. Provide fire hydrants per Appendix B, C and D of the international fire code.

**GIS:** Provide the email address for the engineer/surveyor. Label all subdivisions within the mile section of the location map (Oak Ridge Park and Stone Creek Commercial Center are not labeled). Provide a written scale for the location map. Add a north arrow to the location map. On the face of the plat provide a written scale under the graphic scale. The plat scales 1"=100' but the graphic scale bar shown measures 1"=50'. Add point of beginning and a description for it to the legend. The basis of bearings information from Exhibit A of the legal description needs to also be shown on the face of the plat. In the northeast corner of the plat along East 49<sup>th</sup> Place South the bearing for the distance of 95.17 feet is shown on the face of the plat as N89 °56'33W but should be S89° 56'33E as shown in the legal description. Add Stonegate III label above sheet 1 and 2 label in the lower right corner of the page. Submit a Subdivision Control Data Form (Appendix D), last page of the subdivision regulations for the Tulsa Metropolitan Area, in which the first point shall be the point of beginning with two other points on or near the plat's boundary. Scale and plat dimensions need to match. Add paragraphs for Certificate of Occupancy restrictions and utility easement dedication.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department and Development Services 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.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Stonegate III, subject to special conditions and standard conditions per staff recommendation.

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8. **Crossing at 86<sup>th</sup> Street Phase V** – Preliminary Plat, Location: Southwest corner of North 86<sup>th</sup> East Avenue and Sheridan Road (County)

**STAFF RECOMMENDATION:**

This plat consists of 28 lots, 4 Blocks, on 20.33 acres.

The following issues were discussed September 1, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RE (Residential Estate).
2. **Streets:** Show existing street right-of-way with dimension lines and reference plat number of book/page number. Include sidewalks note on face of plat that mentions that sidewalks must be constructed by individual lot owners. Include section on sidewalks. There should be a gate at the end of cul-de-sac on East 81<sup>st</sup> Street North to prevent cars from driving into detention pond.
3. **Sewer:** No comment.
4. **Water:** Rural Water District 3 will serve water.
5. **Storm Drainage:** Please remove contours from the face of plat. Add a note stating where stormwater detention is being provided for this platted area. Use the new standard language for "Water, Sanitary Sewer, and Storm Sewer Service", "Reserve 'A' Stormwater Detention Easement", "Surface Drainage", and "Roof Drain Requirements" as found on the website. All additional stormwater runoff must be collected and piped to the stormwater detention area.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements are requested.

7. **Other: Fire:** Coordinate with responding fire department. A release letter will be required from the Fire Department. Verify the following comments with responding Fire Department: One location shows fire hydrant on a four-inch water line, this is normally not acceptable. Street widths appear to be narrow. Fire trucks require a 28-foot radius on a 20-foot fire lane.

**GIS:** On the location map North Memorial Road should be North Memorial Drive. Provide the email address for the surveyor and engineer. Subdivision Regulations require recording references and widths for all adjacent easements. Include the recording reference for the detention pond where the storm water goes.

**County Engineer:** Paving and drainage plans are needed. Show culvert sizes. Reinforced concrete pipes are required. E911 will supply addresses and County Engineer will help facilitate this process.

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 County Engineer must be taken care of to their satisfaction.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).

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

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

**TMAPC COMMENTS:**

Mr. Leighty expressed concerns that there is no connectivity to the south. Mrs. Fernandez explained that the connectivity is to the east and this is filling in the last part of the subdivision that has been in process for some time. The floodplain and stormwater flow down to the reserve area and it would be difficult to do too much more connectivity in this phase. Mr. Leighty stated that he appreciates all that Mrs. Fernandez does with all of these issues and the new Comprehensive Plan. Mr. Leighty further stated that when possible, he would like staff to encourage developers to provide access to adjoining undeveloped areas. Mrs. Fernandez stated that she understands this issue. Mrs. Fernandez further stated that when the Subdivision Regulation updates were done in 2005, which was before the Comprehensive Plan, connectivity was discussed fully and staff recognizes the need, especially in the County. For many years staff has requested connectivity.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Crossing at 86<sup>th</sup> Street Phase V, subject to special conditions and standard conditions per staff recommendation.

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9. **Tradition Blocks 8-11** – Minor Subdivision Plat, Location: West of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road (CD 8)

**STAFF RECOMMENDATION:**

This plat consists of 55 Lots, 4 Blocks, on 25.6 acres.

The following issues were discussed September 1, 2011 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 741 A, B. All PUD conditions must be met and shown in the covenants. Show lot square footages. Make sure livability space and lot width meet PUD standards.
2. **Streets:** Sidewalk note should include the provision that individual lot owners have to construct sidewalks fronting their lots.
3. **Sewer:** If Block 11 will discharge to the south into the main serving Augustus, excess capacity fees will probably be required.
4. **Water:** Use the standard language found on the website. Add water service conduit lines for each lot.
5. **Storm Drainage:** The widths of the existing dedicated right-of-way and the right-of-way being dedicated must be added. On sheets 2 and 3; add the bearing for the south boundary of the subdivision and the Reserve B Detention Area. Use the new standard language for "Water, Sanitary Sewer, and Storm Sewer Service", "Reserve A Stormwater Detention Easement", "Surface Drainage", and "Roof Drain Requirements" as found on the website. Existing utilities are difficult to see and follow. Add existing manhole numbers and pipe sizes. Label easement types and widths.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.

7. **Other: Fire:** Provide hydrant within 250 feet of end of cul-de-sac on 109<sup>th</sup>.

**GIS:** Bring the location map to scale and state what the scale is. Label all subdivisions within the mile section. Provide renewal date for C.A. number for the engineer/surveyor. For the basis of bearings replace the phrase "Due West" with an actual bearing. Tie the plat from a section corner using bearings and distances from a labeled point of commencement to a labeled point of beginning. On the face of the plat label the traverse around the property boundary with bearings and distances. Submit a Subdivision Control Data Form. In describing the plat, replace phrases like "Due North" and "Due East" with actual bearings.

**General:** This minor subdivision plat has minor comments. Utility extensions need to be started before the plat is filed.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

**TMAPC COMMENTS:**

Mr. Leighty stated that there are two cul-de-sacs to the east and again the Comprehensive Plan identifies the need to limit those and provide connectivity between neighborhoods to keep people from having to go to the arterials. Mrs. Fernandez stated that she was the one who swayed the discussion during the Comprehensive Plan to allow for connectivity and sometimes one has to use some judgment on the older plats. This is a refit of an existing subdivision plat and if the Planning Commission would like to require additional connectivity in this case, then that is up to the Planning Commission. Mr. Leighty stated that there is a good size reserve area that limits what they can do and he wouldn't want to make any further requirements, but just again ask the developers to be aware of the fact that the Planning Commission is trying to connect the neighborhoods.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor subdivision plat for Traditions Blocks 8-11, subject to special conditions and standard conditions per staff recommendation.

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10. **Z-1072-** Plat Waiver, Location: 3333 East 28<sup>th</sup> Street South, Lots 23, 24, Block 9, Kirkmoore Addition (CD 9)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning for an addition to an existing nursing home use.

***Staff provides the following information from TAC at their September 1, 2011 meeting:***

**ZONING:**

TMAPC Staff: The platting requirement is triggered by a rezoning case on an existing platted site for expansion of a nursing home.

**STREETS:**

Sidewalks are required.

**SEWER:**

No objection to plat waiver, but we do need easement along the north property line to protect the existing sanitary sewer line. The plat did not dedicate any easement for utilities. If none exists, we will need at least 10 foot along the north property line to protect the sanitary sewer line.

**WATER:**

No comments.

**STORMWATER:**

Kirkmore addition had no restrictive covenants. The additional stormwater runoff, generated by the addition to the nursing home may not create a need for any additional stormwater easements, however; Joe Creek Tulsa Regulatory Floodplain is in 28<sup>th</sup> Street adjacent to the southwest quadrant

of the property, and there are flooded structures immediately downstream of 28<sup>th</sup> Street.

**FIRE:**

No objection.

**UTILITIES:**

No comments.

Staff can recommend **APPROVAL** of the plat waiver with TAC conditions as requested.

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

	<b>Yes</b>	<b>NO</b>
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:**

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

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

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for Z-1072 per staff recommendation.

\*\*\*\*\*

11. **CBOA-2410** – Plat Waiver, Location: 5802 West 51<sup>st</sup> Street South (County)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a Special Exception request to allow amusement activities in an IL (industrial light) zoning district.

***Staff provides the following information from TAC at their September 1, 2011 meeting:***

**ZONING:**

TMAPC Staff: The plat waiver will need to be conditioned upon Board of Adjustment approval of the Special Exception. The new uses proposed are not intense in nature ("kiddy" rides).

**STREETS:**

No comments.

**SEWER:**

No comments.

**WATER:**

No comments.

**STORMWATER:**

No comments.

**FIRE:**

Get with responding fire department. There is not adequately sized water main in this area for fire protection. If any buildings are built, a minimum 6 inch diameter water main extension with proper hydrant coverage will be required.

**UTILITIES:**

No comments.

Staff can recommend **APPROVAL** of the plat waiver for the pre-existing use and new light amusement activity use for the property. In the future changes to zoning or intensity of use may warrant a subdivision plat.

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

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

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

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

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

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for CBOA-2410 per staff recommendation.

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- 12. **Z-7008-SP-4** – Plat Waiver, Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Olympia Avenue (CD 2)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by an amendment to a Corridor district.

***Staff provides the following information from TAC at their August 18, 2011 meeting:***

**ZONING:**

TMAPC Staff: The property has been platted properly and a replat is not necessary at this time.

**STREETS:**

No comment.

**SEWER:**

No comment.

**WATER:**

A 12 inch water main line exists on the east side of Olympia Avenue.

**STORMWATER:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff recommends **Approval** of the waiver for the previously platted property.

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

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

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

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

- i. Is a main line extension required? X
    - ii. Is an internal system required? X
    - iii. Are additional easements required? X
  - c) Storm Sewer
    - i. Is a P.F.P.I. required? X
    - ii. Is an Overland Drainage Easement required? X
    - iii. Is on site detention required? X
    - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.?
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for Z-7008-SP-4 per staff recommendation.

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- 13. **PUD-786 – Tulsa Development Authority & Tulsa North Community Development Corporation**, Location: North and east of East Latimer Street and North Main Street, Requesting PUD to construct a mixed-use facility permitting 162 senior living apartment units with commercial floor area space, **RS-4/CS to RM-3/CS/PUD (CD-1)** (Continued from 9/7/11)

**TMAPC COMMENTS:**

Mr. Leighty stated that he made a comment at the last meeting encouraging Mr. Reynolds to seek out the City of Tulsa Planning Department to discuss the conceptual plan for this project and he was in error in doing that. It is inappropriate to make that suggestion because it may have implied or made a perception that he lacks confidence in the TMAPC staff, which was certainly not his intent. Because of the Planning Department being heavily involved in playing the lead in the PLANiTULSA process he became used to counting on them and relying on them that he let it carry over. Now it is adopted as public policy and it is not the Planning Department's responsibility to get involved in these projects. Mr. Leighty stated that this is the TMAPC staff's responsibility and apologized to Chris Sansone. He will see to it that it doesn't happen again. Mr. Leighty stated that part of this controversy on the subject project is quite frankly a result of the planning map that showed this area as being in an area of stability and an existing neighborhood and quite honestly looking back on it, there should have been more attention on this. Mr. Leighty stated that he is not pointing fingers at the Tulsa Development Authority on one hand, but on the other hand, they could have and possibly should have brought this to the attention because this project preceded the adoption of our new Comprehensive Plan. There is now an opportunity to fix it.

Mr. Sansone stated that staff takes proposals like the subject proposal very seriously and staff does work with the City of Tulsa Planning staff and seek their input and guidance for certain aspects in implementing the Comprehensive Plan. There is no disconnect between the two staffs and they work well together and we have found ourselves doing it more since the adoption of the current Comprehensive Plan.

**STAFF RECOMMENDATION:**

**RELEVANT ZONING HISTORY:**

**Z-6373, October 23, 1992:** All concurred in approval of a request for rezoning a 6,500 square foot tract of land from RM-2 to RS-4 on subject property as part of a larger blanket rezoning study.

**PUD-727, March 2, 2006:** All concurred in approval of a request for rezoning a 7.6± acre tract of land from RS-4 to RS-4/PUD-727 on property located fronting North Cincinnati Avenue between East Oklahoma Street and East Latimer Place, east of the subject properties.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 2.63± acres in size and is located north and east of East Latimer Street and North Main Street. The property is mostly vacant with a few residential uses and is zoned RS-4/CS.

**SURROUNDING AREA:** The subject tract is abutted on the east by Boston Avenue and then Kirkpatrick Heights and the Pouder and Pomeroy Second Addition Amended, both zoned RS-4 with single-family residential uses; on the north by the Pouder and Pomeroy Addition and the Pouder and Pomeroy Second Addition Amended, both zoned RS-4 with single-family residential uses; on the south by Latimer Street and then Burgess Hill Addition, zoned CS/RS-4 and the location of Emerson Elementary School; and on the west by Main Street and then Burgess Hill Addition and the Pouder and Pomeroy Addition, zoned RS-4 with single-family residential uses.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate any of the surrounding streets. These streets are rather narrow and have no direct access at the present time to bus transit. Furthermore, at peak periods both vehicular and pedestrian traffic associated with the elementary school to the south becomes heavy.

**TULSA CITY-COUNTY MAJOR STREET AND HIGHWAY PLAN:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
North Main Street	Residential Collector	60'	2
East Latimer Street	Residential Collector	60'	2
North Boston Avenue	Residential Collector	60'	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates this property as an Area of Stability and an Existing Neighborhood. The subject site is surrounded by single-family residential uses and an elementary school.

The **Areas of Stability** include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Within some **Areas of Stability**, there lie areas which should be designated as **Reinvestment Areas**. Reinvestment areas are those that have an overall character that is desirable to maintain, but would benefit from reinvestment through modest infill and redevelopment, or major projects in a small area such as an abandoned or underused commercial area. These areas would encourage investment, but in a more limited and targeted way than in Areas of Growth.

For the Commissions convenience, Part VI of the Plan – “Managing the Plan” which includes full descriptions of Areas of Stability and Areas of Growth are attached as Exhibit A.

The **Existing Residential Neighborhood** category is intended to preserve and enhance Tulsa’s existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

The requested zoning would be of higher intensity than the remainder of the neighborhood and would **not be in accord** with either the Plan or surrounding uses. The requested RM-3 is the highest multifamily residential zoning category allowed by the zoning code, and development to this density could have negative impacts on the neighborhoods around it, which have benefited greatly by the City’s efforts to clean up the subject properties and rid the area of crime.

**STAFF RECOMMENDATION FOR ZONING:**

For the above reasons, staff cannot support the requested rezoning. Staff further understands that this neighborhood, as with the adjacent Brady Heights, is trying to revitalize, but we do not believe that the requested rezoning and use would further that cause. Therefore, staff recommends **DENIAL** of RM-3 zoning for the subject property.

On September 7, 2011 the TMAPC voted to APPROVE RM-3 zoning on the subject property.

**PUD STAFF RECOMMENDATION:**

PUD-786 is an infill development proposal comprising a 2.63 acre tract located at the northeast corner of North Main Street and East Latimer Street. The site is mostly vacant with a few residential structures and has

a very slight slope extending from south to north. The property is currently zoned RS-4 with two parcels located at the southwest corner zoned CS.

The purpose of PUD-786 is to allow the construction of a mixed-use facility permitting 162 senior living apartment units with a maximum of 20,000 square feet (SF) of commercial floor area. The proposal calls for two, 4-story apartment buildings with commercial uses located on the ground floor of the southern building along Latimer Street (see Exhibits A-1, B and C). The building on the northern half of the site would be limited to the residential use.

Rezoning is required to allow the Use Unit 8 uses (senior living apartments) and to extend the CS zoning along Latimer Street to garner requisite commercial floor area. The applicant has submitted zoning requests to rezone the property from RS-4, with two tracts of CS zoning at the southwest corner of the site, to RM-3 zoning with CS zoning extending along the entirety of the Latimer Street Frontage to a depth of 121 feet (see Exhibit D).

In order for the PUD development proposal to be considered for approval the requested rezone would first need to be supported and recommended for approval by the TMAPC.

At the September 7, 2011 meeting of the TMAPC, the Commission unanimously voted to approve the rezoning request for the subject property.

Since the PUD is not in accord with the Comprehensive Plan "Stability and Growth" designation and Land Use categorization as an Existing Neighborhood, careful consideration of the compatibility of PUD with the surrounding neighborhood was considered by the TMAPC.

The TMAPC found the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. The TMAPC found PUD-786 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. The TMAPC continued the case for two weeks to September 21, 2011 to allow for PUD development standards to be incorporated into the case report.

As a result of the TMAPC's findings and ruling on the rezoning requests, staff recommends **APPROVAL** of PUD-786 subject to the following conditions as amended by the TMAPC (items with strikethrough have been removed, underlined items added in):

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.
2. The Tulsa Metropolitan Area Planning Commission (TMAPC) or Tulsa City Council order a change to the Tulsa Comprehensive Plan to change the land use maps within the plan to reflect a change in property designation from an "Area of Stability" to an "Area of Growth" and the Land Use designation from "Existing Neighborhood" to the appropriate plan designation to accommodate the approved up-zoning of the property.
3. Development Standards:

<b>Gross Land Area:</b>	145,882 SF	3.35 Acres
<b>Net Land Area:</b>	114,587 SF	2.63 Acres

**Permitted Uses:**

Uses permitted as a matter of right in Use Unit 1, Area-Wide Uses by Right; Use Unit 8, Multi-Family Dwellings and Similar Uses, limited to Elderly/Retirement Housing; Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments, Other Than Drive-Ins; Use Unit 13, Convenience, Goods and Services; Use Unit 14, Shopping, Goods and Services; Use Unit 21, Business Signs and Outdoor Advertising Signs, Limited to, Business Signs Identifying the Project and Businesses and Tenants within the Project and Uses Customarily Accessory to the Permitted Uses. Provided, however, that all Use Unit 11, Use Unit 12, Use Unit 13 and Use Unit 14 uses shall be limited to the south 240 feet of the east 137 feet and the south 175 feet of the west 137 feet of the Project.

**The following uses shall be expressly forbidden:**

Alarm installation, auto parts and accessories, auto radio and stereo systems installation, auto window tinting, bail bonds office, bars, blood bank and plasma center, dance hall, day labor hiring center, gasoline service stations, gunsmith, oil and lubrication service, pawn shop, pool hall, secondhand store, taverns, ~~and~~ tune-up service, and same-day loan companies such as Pay Day Loans.

<b>Maximum Permitted Commercial Floor Area:</b>	20,000 SF
<b>Maximum Number of Dwelling Units:</b>	162 DUS
<b>Minimum Land Area of Dwelling Units:</b>	500 SF
<b>Maximum Building Height:*</b>	4 Stories or 50 FT

*\* Floors above the first floor and architectural features such as parapets, balconies, awnings, signage and architectural features shall be permitted to exceed maximum height and extend into the required setback by five feet, with detail site plan approval.*

**Minimum Off-Street Parking Spaces:**

As required by the applicable Use Unit of the Tulsa Zoning Code; unless otherwise modified by the TMAPC.

**Minimum Building Setback Requirements:\***

From N. Boston Ave. right-of-way:	15 FT**
From E. Latimer St right-of-way:	15 FT**
From N. Main St. right-of-way:	15 FT**
From North Property Line of PUD	20 FT
From North Property Line of Out Parcel:	10 FT
From East Property Line of Out Parcel:	10 FT
From South Property Line of Out Parcel	10 FT

*\*Floors above the first floor and architectural features such as parapets, balconies, awnings, signage and architectural features shall be permitted to exceed maximum height and extend into the required setback by five feet, with detail site plan approval.*

*\*\*At a street intersection, the required building set back shall be reduced proportionately by the amount of any dedication required for the turning radius of such street intersection.*

**Minimum Common Landscaped Open Space**

A minimum of 10% of the total net land area of the project shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

Due to the nature of this mixed use PUD, there shall be no street yard open space requirement; however, the required trees shall still be installed as required by the landscape chapter of the Tulsa Zoning Code.

**Signs**

Wall signs shall be permitted within the area between the second story floor and the first floor within a horizontal band not to exceed two (2) feet in height. In no case shall this band be higher than fifteen (15) feet or lower than eleven (11) feet above an adjacent sidewalk. Lettering within this band shall not exceed eighteen (18) inches in height or width.

Company logos or names may be placed within such horizontal ban or placed or painted within ground floor windows. Company logos or names shall not greater than a rectangle of eight (8) square feet.

Blade signs (perpendicular to the required building line) not more than two (2) feet by three (3) feet at a minimum of nine (9) feet clear height above the sidewalk may be hung below the second story level, from the façade or from an overhanging awning. Lettering on awnings or overhangs shall be limited to six (6) inches in height.

Neon style signs shall be permitted within shop front windows.

Not more than twenty-five percent (25%) of a shop or store window shall be covered by signage.

All illumination of signs and buildings shall be by constant light, flashing, travelling, animated or intermittent lighting shall not be permitted on the exterior of any building, whether such lighting is temporary or permanent.

Outdoor advertising signs, roof signs, free-standing pole signs, monument signs, any kind of animation and signs painted on the exterior walls of buildings shall be prohibited. No digital, flashing, scrolling, travelling, animated or intermittent lighting shall be on the exterior of any building whether such light is temporary or long-term duration. Portable or wheeled signs and advertising located outside any buildings shall not be permitted.

### **Site Lighting**

Lighting shall be arranged so as to shield and direct the light away from the surrounding residential areas.

Specifically, all pole mounted lighting within the north of 25 feet of the Project will be shielded and/or cut off to reduce the potential for lighting to spill over to the north of the light fixture.

Pole mounted lighting shall not exceed 14 FT in height as measured from adjacent ground level. For purposes of measurement, ground level shall be considered the adjacent paved surface, where applicable.

All light standards, including building mounted, shall be hooded and directed downward and away from adjacent residential boundaries. Compliance shall be verified by submittal of a photometric plan and manufacturer's cut sheets for all light fixtures.

### **Access and Circulation**

There will be two primary points of ingress and egress. One point of ingress is centered on the block between North Main Street and North Boston Avenue, off of East Latimer Street. The other main point of ingress is off of North Boston Avenue. See **Exhibit B** for the access locations. The project also has two secondary points of ingress and egress on the western side of the property, onto North Main Street. Internal circulation will connect all points of access onto adjacent streets. If the market demands, the project will include a gated access. Any gated access will be approved through the City of Tulsa Traffic Engineer and Fire Marshal and will have detailed site plan approval from the TMAPC.

The project will consist of off street surface parking, parallel parking off of North Main Street, East Latimer Street and North Boston Avenue, and a structured parking garage. The surface and structured parking will be primarily used for the residents of the development and the parallel parking will be primarily used for the commercial components of the Project.

Adequate circulation shall be designed to provide for the creation of meaningful open space and landscaped areas to blend into the surrounding existing neighborhood.

The Access and Circulation Plan for the project is attached as **Exhibit J**.

### **Landscape and Screening**

The screening for the project is to provide a semi-transparent screen from vehicles and their headlights, while preserving the openness of the existing surrounding neighborhood.

There will be a minimum of a five-foot landscaped strip on the entire north boundary. There will be a minimum of a five-foot landscaped strip along the north, east, and south portions of the out parcel. Within this five-foot landscaped strip, there will be a six-foot wrought iron fence on the property line with upright evergreen plant materials spaced every 20 feet and an evergreen hedgerow with a minimum of two-foot height at installation. See **Exhibit A** for the conceptual location of the landscaping and screening of which substantial compliance will be maintained.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking 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 shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific date in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. 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.
9. Where applicable, the City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
11. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.

14. 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.
15. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

**TAC Comments:**

**General:** Area must be replatted. The alley and some of the easements must be vacated.

**Water:** Existing 6" along North Main St and 12" along North Boston Ave., provide additional information regarding the development

**Fire:** Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire aerial apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exception: The fire code official is authorized to increase the dimension of 150 feet where:

1. The building is equipped throughout with an approved automatic sprinkler system.

2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

3. There are not more than two Group R-3 or Group U occupancies. Other Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates, and an

unobstructed vertical clearance of not less than 13 feet 6 inches. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet' outside radius. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. A fire hydrant shall be located within 100' of the fire department connection.

**Stormwater:** Public Storm Sewer and its Easement proceed northward up the alleyway from Latimer Street to mid Lot 5 Block 18, and thence proceeds northwesterly across Lots 5 and 4 to Boston Avenue. Buildings are planned for that area; also a Public Storm Sewer extends from Main to Boston and would pass through the planned North Building, therefore, the Storm Sewers must be relocated and their Easements must be vacated.

**Wastewater:** The proposed relocation of the existing sanitary sewer main must be completed and in service before the existing alley can be closed. The alley, and any associated easements, must be closed before a building permit can be issued. Sanitary sewer service must be maintained for all existing lines during construction of the relocation, and new connections for all remaining existing properties must be provided at the developer's expense.

**Transportation:** 25' radius required at intersection of N Main and Latimer; North Boston and Latimer.

**INCOG Transportation:**

- **MSHP:** Main Street is designated residential collector.
- **LRTP:** Per Subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** Main Street is a planned on-street bikeway.
- **Transit:** No comments.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** House Number(s) listed on property:

- 1133,1127,1117,1115,1109,1107,1105,1101 N MAIN ST E
  - 11,13,15,17 E LATIMER ST N
  - 1142,1130,1124,1120,1116,1112,1108 N BOSTON AV E
- Addressing Atlas Page # ('s): 00075

**Inspection Services:** No comments.

**County Engineer:** No comments.

**TMAPC COMMENTS:**

In response to Ms. Cantrell, Mr. Sansone stated that it is unclear as to who orders the changes to the Comprehensive Plan. Perhaps a motion from the Planning Commission could be to request the City Council authorize staff to change the map. Someone has to make the land use designation and direct staff to change it. Ms. Cantrell stated that she appreciates staff's suggestion because staff and the Planning Commission takes this seriously and it would go a long way to show that this was an oversight. Ms. Sansone stated that there will more like this in the future, because it was virtually impossible with the manpower we had to go over the City literally parcel-by-parcel and know what the future held for those parcels. Staff's policy right now is that if the proposal doesn't go with the plan it will be recommended for denial and it would be up to the Planning Commission to determine if it is appropriate or not.

In response to Mr. Dix, Mr. Sansone stated that he doesn't believe that there are any legal ramifications if the map isn't changed, since the Plan is a policy, but he would think one would want the policy to reflect accurately what is going on in the district.

Mr. Alberty stated that Mr. Sansone is right; there is no established policy to amend the Plan, but we all know that the Plan will be amended from time to time based on decisions that are made or recommended by the Planning Commission and approved by the City Council. The way it has been done in the past has been by collecting Plan amendments and bring them once or once every two years for changes. Typically, one wants to keep their Plan current. Today's decision will affect other properties within the subject area. This Plan should be amended, but it doesn't have to be done immediately.

Mr. Leighty asked whether, since originally staff recommended denial of the PUD, that meant that they didn't really take a look at the proposed concept plan to determine how consistent it would be with the new Comprehensive Plan. Mr. Leighty explained the reason he is asking this is because the way it is situated, the out-parcel makes it difficult to create what he believes would be the ideal situation to have the entire commercial on the Main Street side, which is what it was in the olden days before it was decimated by Urban Renewal. Having the gap with the out-parcel and having the north building not coming to the street, it doesn't appear the concept plan calls for any commercial in the north building at all. When the detail site plan comes in what changes does staff see that they might want to encourage the developer to consider making this more consistent with the new Comprehensive Plan. In response, Mr. Sansone stated that if the applicant could have purchased the out-parcel, it would make it a more viable plan and nice development. However, staff can't force people to sell their property. Prior to the application being made

staff met with the applicant and this is done with almost every new PUD or Corridor District Plan. Considering the way the boundaries of the property lay out and what they are seeking to do circulation-wise, this is a good plan. Mr. Leighty stated that the recommendation before the Planning Commission today for approval is subject to concept plan. He would really like to see the building coming closer to the street and no commercial on Boston. Mr. Sansone stated that he understands Mr. Leighty's concerns and approvals can be approved with conditions as the Planning Commission deem necessary.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, 74120, stated that he has reviewed staff's recommendation and he is in agreement.

**TMAPC COMMENTS:**

Mr. Leighty asked Mr. Reynolds if his client would be amenable to an amendment that would restrict any commercial on the Boston side. Mr. Reynolds stated that he believes that the Boston frontage is very much commercial oriented. Back to the east, the property is sparsely utilized and it is in the greatest amount of decay of most of the property around the subject property. Mr. Reynolds commented that he expects more commercial ancillary use in the surrounding area. Boston is an ideal place for commercial enterprise and it isn't up next to someone's home. It is important to his client to have the commercial on Boston. Mr. Reynolds stated that this proposal was thought out in detail long before he became involved in it. The idea of 20,000 SF of commercial use was something the Tulsa Development Authority (TDA) had studied and did marketing studies based on the density, incomes, how they were situated, where they lived, etc. The TDA thought the commercial use was important for the project and it is in the contractual requirement on his client purchasing the subject property. With this requirement, it will not be put upstairs because there is no demand for two-story retail/commercial to be used and this was one of TDA's conditions. Mr. Leighty stated that he asked Mr. Reynolds at the last meeting if the success of the project was dependent upon this 20,000 SF of commercial and he believes that Mr. Reynolds replied negatively. Mr. Reynolds stated that he would not have responded so. It is dependent upon the 20,000 SF of commercial. Mr. Reynolds stated that if he did state that, then he misspoke. Mr. Leighty stated that he knows this neighborhood and Main Street was filled with commercial businesses from downtown to Pine and there were none on Boston that he is aware of and there was one on Latimer between Cheyenne and Denver. Boston is a dead-end street with no traffic. Mr. Reynolds stated that the project is designed to not have automobile traffic and it is designed for very slow-moving traffic. There is minimal signage and this isn't going to be dependent on automobile traffic, but dependent on the number of people who live in the subject area. They will get to the

commercial uses in a variety of different ways. Many people will walk or take the bus. The subject area is not a two-to-three-car neighborhood. Main Street doesn't have any evidence of commercial or retail activity. If the commercial was put on the north end it would be right up against someone's house and his client doesn't want to do that. His client purposely restricted the area where the commercial would be located in order to not interfere with people. Mr. Reynolds cited the areas where existing homes are located in relationship with the subject proposal.

Ms. Cantrell stated that she revisited the subject property after hearing Mr. Leighty's concerns at the last meeting. Ms. Cantrell further stated that she would have to disagree very strongly with Mr. Leighty. Latimer is the street for commercial uses. From a planning standpoint one of the worst things one could do is to put an opposite use directly across the street from another house. Along Main Street it may have been commercial in the past, but right now, yes they need some money and investment, but there are single-family homes all along Main Street once one gets north of Latimer. The proposal is probably the best; there is already commercial zoning on Latimer and there is none on Main Street until one gets to another block and all of this development will be directly across from a school. This block between Boston and Cincinnati is another block that should have been slated for growth because half of the block is empty. Ms. Cantrell stated that she appreciates Mr. Leighty wanting to get the best out of this, but she thinks the applicant has really thought this through.

Mr. Leighty stated that he was suggesting that the commercial be limited to Latimer and Main and Ms. Cantrell's comments are winning him over.

In response to Mr. Leighty, Mr. Reynolds stated that the contract requires that his client build 20,000 square feet of commercial area. Mr. Reynolds stated that his client is attempting to limit the intrusion of commercial uses on the existing residences.

Mr. Midget stated that he would like to call the question. When the site plan is submitted the Planning Commission can drill down these issues a little bit farther. A lot of this was discussed at the last meeting and is being rehashed. Mr. Midget stated that he is ready to take a vote.

Mr. Leighty stated that he is not ready to take a vote. Mr. Midget stated that Mr. Leighty is one person. Mr. Leighty stated that Mr. Midget is out of order. Mr. Leighty reminded Mr. Midget that he is the Chairman. [Gavel]. Mr. Midget stated that he is not out of order to call the question. Mr. Leighty reminded Mr. Midget that the Planning Commission hasn't finished their discussion and it is not his place to call for the question. Mr. Midget stated that he can call for the question. Mr. Midget stated that if Mr.

Leighty wants to be a dictator, this will be the last time he does it. Mr. Leighty stated that this isn't the first time Mr. Midget has shot his mouth off and made a fool of himself. Mr. Leighty stated that he is trying to conduct a business meeting and it is not Mr. Midget's place to interrupt him or the chain of events that goes on here. If he doesn't want to vote for him to be chair. Mr. Midget asked Mr. Leighty if he was going to ask for the question or continue on. Mr. Leighty stated that he is not going to call for the question until the discussion is completed and until everyone has had a chance to speak. Mr. Leighty further stated that if Mr. Midget has something to say he should say it and then they will have more discussion. Mr. Leighty commented that he has more questions and he is not ready to call this for a vote, period. Mr. Leighty reminded Mr. Midget that he is not in a position to call for the vote. Mr. Midget stated that he is a Commissioner and he has the right to call for the question. Mr. Leighty asked if any of the other Planning Commissioners have any questions for Mr. Reynolds.

Mr. Leighty told Mr. Midget to make his motion.

Mr. Leighty stated that there is one speaker.

#### **INTERESTED PARTIES COMMENTS:**

**Janet Brennan**, 1134 North Denver Avenue, 74106, stated that she is representing the Brady Heights Association and they have a few requests. The first request is to prohibit payday loan companies. They would like to see the building built with materials that match the historic district so that it wouldn't look out of place. Ms. Brennan asked what institution would be running or managing the senior housing development and if it would be state-run or private.

#### **TMAPC COMMENTS:**

Mr. Leighty stated that the facility will be private and it would be difficult to dictate the materials that are used for the subject buildings. The Planning Commission only looks at the land use issues. Mr. Leighty further stated that he would consider restricting payday loans from the uses.

#### **Applicant's Rebuttal:**

Mr. Reynolds stated that payday loans are not recognized as a specific use unit, but he has no problem with excluding payday loans companies. The design of the project is small scale and to look residential. It will have paddle signage and painted glass windows. The signage is very restrictive. The building is intended to be brick and with the height and width it is designed to break it up with architectural details.

Mr. Leighty asked Mr. Reynolds if his clients have given up on acquiring the out-parcel. In response, Mr. Reynolds stated that his clients haven't

given up on this issue. Mr. Leighty stated that he would plead with Mr. Reynolds to attempt to acquire the out-parcel because it would be a game changer in terms of being a successful project. Mr. Reynolds stated that to date, his client has done everything that he knows of to attempt to acquire the out-parcel. They have been trying for several years to acquire it.

Mr. Sansone stated that within Use Unit 11, there is a category for loan office and if the Planning Commission may want to eliminate a loan office within Use Unit 11 to prevent "payday loan companies".

In response to Mr. Edwards, Mr. Reynolds stated that Use Units are used to facilitate the Zoning Code and tell one in simple nature what uses are allowed by right. Use Unit 11 is an office use and there is a menu of what is right to have. In this PUD he has set up Use Units to define what the property rights are and one of those is Use Unit 11 – Office Use. A bank is a Use Unit 11 – Office Use and they have loan offices where they don't make deposits. There are many loan services that are accepted and have upscale practices. A payday loan could be excluded, but he is not in favor of excluding a loan office because it is too broad.

Mr. Sansone suggested language "loan companies such as payday loans". Mr. Reynolds agreed.

Mr. Leighty recognized Mr. Midget to make his motion. Mr. Midget stated that he didn't say he was going to make the motion; he simply called for the question.

**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 **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-786 per staff recommendation, subject to excluding "loan offices such as payday loan offices" as amended by the Planning Commission. (Language underlined has been added and language with a strike-through has been deleted.)

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend to City Council to direct staff to change the land designation and the growth and stability map be changed on the subject property and recommend a small area plan be conducted for the general area.

**Legal Description for PUD-786:**

ALL OF LOTS ONE (1) THROUGH TEN (10), IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. **AND** ALL OF LOTS FIVE (5) THROUGH SEVEN (7), BLOCK EIGHT (8), POWDER AND POMEROY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. **AND** ALL OF LOTS THREE (3) THROUGH SEVEN (7), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. **AND** A TRACT OF LAND BEING A PART OF A VACATED ALLEY IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION, AND BLOCK EIGHT (8), POWDER AND POMEROY ADDITION, AND BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION, ALL IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT THREE (3), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION; THENCE SOUTH 01°04'54" EAST AND ALONG THE WEST LINE OF SAID BLOCK 4 IN POWDER AND POMEROY ADDITION AND THE WEST LINE OF LOTS 1 THROUGH 6, BLOCK 18 IN BURGESS HILL ADDITION, FOR A DISTANCE OF 513.40 FEET TO THE SOUTHWEST CORNER OF LOT 6, IN SAID BLOCK 18; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID WEST LINE, FOR A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, IN SAID BLOCK 18; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 7 THROUGH 10, IN SAID BLOCK 18, FOR A DISTANCE OF 195.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10, BLOCK 18; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 98.40 FEET; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 8, POWDER AND POMEROY ADDITION; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 5 THROUGH 7, IN SAID BLOCK 8, FOR A DISTANCE OF 128.00 FEET TO THE NORTHEAST CORNER OF LOT 5, SAID BLOCK 8; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO THE EAST LINE OF SAID

BLOCK 8, FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 92.00 FEET; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 114,586.79 SQUARE FEET, OR 2.631 ACRES, MORE OR LESS.

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**OTHER BUSINESS:**

**Commissioners' Comments**

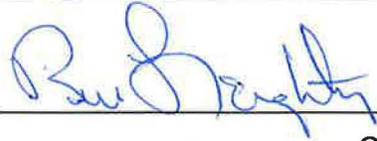
None.

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There being no further business, the Chair declared the meeting adjourned at 2:32 p.m.

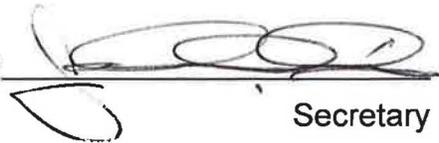
Date Approved:

10-19-2011



Chairman

ATTEST:

  
Secretary

