TULSA METROPOLITAN AREA PLANNING COMMISSION

For Meeting No. 2542
March 18, 2009, 1:30 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chambers

CONSIDER, DISCUSS AND/OR TAKE ACTION ON

Call to Order:

REPORTS

Chairman's Report:

Worksession Report:

Comprehensive Plan Report:
Report on the update of the Comprehensive Plan

Director's Report:

1. Minutes of February 18, 2009, Meeting No. 2539
   Minutes of February 25, 2009, Meeting No. 2540

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.

2. Shwiyat Estates – (8419) Reinstatement of Plat (PD 5) (CD 5)
   North of 21st Street South, West of South Memorial Drive

3. PUD-625 – Douglas Huber (PD-18) (CD-8)
   South side of 81st Street, approximately ¼ mile east of Mingo Road
   (Detail Site Plan and landscape plan for a 14,835 square foot office building.)

4. PUD-764-1 – Bill Lewis (PD-18) (CD-7)
   South of the southwest corner of Vandalia Avenue and Yale Avenue
   (Minor Amendment to waive the five-foot landscape buffer along the western and northern portion of the site which was inadvertently made a part of the approval of PUD-764.)

5. PUD-312-A-10 – Pamela Deatherage, McFarland (PD-18) (CD-6)
   Northwest of the northwest corner of 51st Street and Garnett Road
   (Minor Amendment to divide an existing development area into two new development areas, reallocating the existing floor area and reestablishing existing development standards.) (Related to )

6. PUD-312-A – Pamela Deatherage, McFarland (PD-18) (CD-6)
   Northwest of the northwest corner of 51st Street and Garnett Road
   (Detail Site Plan for construction of a 46,500 SF medical office building.) (Related to )

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA
PUBLIC HEARINGS

7. **Tom’s Kids** – (8333) Preliminary Plat
   Southwest corner of 116th alignment and South Yale Avenue (Continued from 3/4/09)

8. **BOA – 20874** – (0226) Plat Waiver
   North of the northeast corner of North Boston Place and East Queen Street (continued from 3/4/09)

9. **CZ-398** – (0405) Plat Waiver
   Southeast corner of North 115th Avenue and East 66th Street North
   (Applicant has withdrawn request.) (Related to Item 15.)

10. **Heritage Landing** – (0329) Preliminary Plat
    West of the Southwest corner of Apache and North Harvard Avenue
    (Related to Item 11.)

11. **Heritage Landing** – (0329) Authorization for Accelerated Release of Building Permit
    West of the Southwest corner of Apache and North Harvard Avenue
    (Continuance requested to the 4/1/09 agenda for further review of floodplain on site.) (Related to Item 10.)

12. **PUD-769 – Hunter Construction MGT, Inc.**
    East of the northeast corner of East 81st Street and South Yale Avenue
    (PUD to divide the subject property into four or five pad sites for Use Unit 11 – Office, Studio and Support Services only.)

    Southwest corner of East 15th Street and South Indianapolis Avenue
    (west 36 feet of Lots 18, 19 and 20.) (Related to Item 13.) (Continued from 1/21/09) (Applicant is requesting a continuance to April 1, 2009 in order to submit a PUD.)

    South of southwest corner of East 15th Street and South Indianapolis Avenue
    (Related to Item 14.) (Continued from 1/21/09) (Applicant is requesting a continuance to April 1, 2009 in order to submit a PUD.)

15. **CZ 398 E. Robert Buss**
    Southeast corner East 66th Street North and Highway 169 North (Related to Item 9.)

16. **Z-7127 – Brenda Gregg**
    South of southeast corner East Pine Street and North Mingo Road

OTHER BUSINESS

17. Commissioners' Comments

ADJOURN

PD = Planning District/CD = Council District
NOTICE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526

Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.

Ringing/sound on all cell phones and pagers must be turned off during the Planning Commission.

Visit our website @ www.tmapc.org

The mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide comprehensive planning, zoning and land division services for the City of Tulsa and Tulsa County through a joint city-county cooperative planning commission resulting in the orderly development of the Tulsa Metropolitan Area and enhancing and preserving the quality of life for the region’s current and future residents.

TMAPC Mission Statement
February 25, 2009

Ms. Diane Fernandez  
Indian Nations Council of Government  
201 Executive Center, Suite 600  
201 West 5th Street  
Tulsa, Oklahoma 74103

Dear Ms. Fernandez

Re: Shwiyat Estates Minor Subdivision Plat

We are requesting the above referenced plat be reinstated. The plat was not filed within the required time frame due to the necessity of obtaining a drainage easement from the owner of the property directly north of the subject plat. That easement has now been obtained and we are resubmitting the plat for approval. I am enclosing one set of 11x17 prints for your use.

If you have any questions give me a call.

Yours truly,

[Signature]  
J. Allen Bates, Jr., P.E.  
Project Manager

Enclosure

Cc: Calvin Shwiyat w/ enclosure
March 18, 2008

STAFF RECOMMENDATION

PUD-625: Detail Site Plan – South side of 81st Street, approximately ¼ mile east of Mingo Road; Lot 1, Block 1 – College Center at Meadowbrook; TRS 1818; CZM 54; Atlas 1413; PD 18; CD 8; CO/PUD.

The applicant is requesting approval of a detail site and landscape plan for a 14,835 square foot office building. The proposed use, Use Unit 11 – Office, Studios, and Support Services is a permitted use within PUD-625.

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 within the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code and adopted PUD development standards. On the north side of this lot is a 50-foot green belt which is within the dedicated ROW for the future widening of 81st Street. The existing 50-foot area is providing a green buffer between this parcel and the paved surface of 81st Street (see attached case map aerial photograph and Exhibit A). Landscaping will be provided in this area along 81st Street for this proposal. It is anticipated that at the time of the expansion of 81st Street, a five-foot landscaping strip and sidewalks will be addressed for the entire development area/PUD along 81st Street. Site lighting has been provided and will be limited to 12' in total height. All lighting will be directed down and away from adjoining properties so as to not create a nuisance to any abutting residential properties and has been verified by application of the Kennebunkport Formula. A trash enclosure has been provided per adopted PUD development standards.

Staff recommends APPROVAL of the detail site plan for Lot 1, Block 1 – College Center at Meadowbrook, Development Area "1", PUD-625.

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

March 18, 2009

PUD-764-1: Minor Amendment – South of the southwest corner of Vandalia Ave. and Yale Ave.; TRS 9333; CZM 47; Atlas 468/559; PD 18; CD 7; 5140 S. Vandalia Ave.; CG/PUD.

The applicant is requesting a minor amendment to waive the five-foot landscape buffer along the western and northern portion of the site which was inadvertently made part of the approval of PUD-764.

The landscape requirement for PUD-764 currently reads:

The street yard along Vandalia Avenue shall be landscaped according to the landscape chapter of the Zoning Code with the exception of access points from Vandalia Avenue. A six-foot wrought iron fence will be erected along the southern boundary of the PUD. In addition to the six-foot wrought iron fence along the southern boundary, a minimum five-foot landscape buffer will be installed inside the fence, with excessive, mature landscaping at the time of planting to ensure that the fence may not be seen through. The five-foot landscape buffer shall be extended around the perimeter of the site.

Section 1002, A-3 of the Zoning Code reads, “...within the lot, off-street parking areas shall be separated from an abutting residential district or residential development area in a PUD, by a landscaped area which is not less than five feet in width”.

Referring to the attached case report zoning map and aerial photographs, as well as Exhibit A, the western boundary of PUD-764 is directly adjacent to a CH zoned district which is the site of a mini-storage complex. By Code, when a straight CG zone abuts a CH zoned district, there is no perimeter landscape requirement along the common boundary line.

Referring again to the aforementioned exhibits, the north boundary of PUD-764 will be in the middle of what will be a mutual access easement for a commonly shared parking lot with the future development on the CH zoned property immediately to the north. This is also a CG/PUD district abutting directly to a CH zoned district.

Therefore, staff recommends APPROVAL of minor amendment PUD-764-1 on the property described in Exhibit B, amending the landscape and screening requirement for PUD-764 to read:

"The street yard along Vandalia Avenue shall be landscaped according to the landscape chapter of the Zoning Code with the exception of access points from Vandalia Avenue. A six-foot wrought iron fence will be erected along the southern boundary of the PUD. In addition to the six-foot wrought iron fence along the southern boundary, a minimum five-foot landscape buffer will be installed inside the fence, with excessive, mature landscaping at the time of planting to ensure that the fence may not be seen through. A minimum five-foot landscape buffer shall be extended along the south and eastern boundary of the site except at access points along Vandalia Ave."

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

Part of the SE/4 NW/4 NE/4 NE/4 and of the NE/4 SW/4 NE/4 NE/4 of Section 33, T19N, R13E of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, being more particularly described as follows:

Commencing at the Northwest corner of said SE/4 NW/4 NE/4 NE/4; thence S01°25'36"E along the west line of said SE/4 NW/4 NE/4 NE/4 290.90 feet; thence N88°39'32"E 164.52 feet; thence S01°20'28"E 35.43 feet; thence N88°39'32"E 140.65 feet to a point on the east line of said SE/4 NW/4 NE/4 NE/4; thence S01°25'36"E along said west line 201.61 feet; thence S89°40'09"W 305.20 feet to a point on the west line of said NE/4 SW/4 NE/4 NE/4; thence N01°25'36"W along the west line of said SE/4 NW/4 NE/4 NE/4 and NE/4 SW/4 NE/4 NE/4 236.98 feet to the point of beginning; LESS and EXCEPT the East 25.00 feet thereof; containing 1.55 acres, more or less.
Address 5140 S Vandalia Ave
Address is approximate
View of Mini-storage units to the west

http://maps.google.com/maps?f=q&hl=en&ie=UTF8&om=1&ll=36.087725,-95.924506&s... 3/10/2009
Address 5142 S Vandalia Ave

Address is approximate

View of natural screening for apartments across Vandalia to the east.

http://maps.google.com/maps?f=q&hl=en&ie=UTF8&om=1&ll=36.087812,-95.924506&s... 3/10/2009
March 18, 2009

STAFF RECOMMENDATION

PUD-312-A-10: Minor Amendment – Northwest of the northwest corner of 51st Street and Garnett Road; Part of Lot 1, Block 1 – Tulsa Bone and Joint; TRS 9430; CZM 84; Atlas 753/754; PD 18; CD 6; IL/PUD.

PUD-312-A-10 is a minor amendment request to divide an existing development area into two new development areas, reallocate the existing floor area between the two new development areas and re-establish existing development standards. With this application there is no request to increase permitted floor area, change existing permitted uses or amend development standards in any way.

Approval of minor amendment PUD-312-A-5 in August 2004 established the existing Development Area B-1-C and carried over all the original development standards as established by PUD-312-A to Development Area B-1-C. As stated above, PUD-312-A-10 will create two new development areas (B-1-C-1 and B-1-C-2) as depicted on Exhibit A and establish development standards for each Development Area. The minor amendment will allow for the expansion of the Tulsa Bone and Joint Campus Facilities, the detail site plan for which is concurrently on the 3/18/09 agenda of the TMAPC and is attached herein as Exhibit B for reference.

Since there is no requested changes in permitted floor area, changes in permitted uses or modifications to any development standards of for development area B-1-C of PUD-312-A staff recommends APPROVAL of minor amendment PUD-312-A-10 for the property described in Exhibit C, subject to the following development standards:

Development Area B-1-C-1:

Permitted Uses: Use Unit 11 – Offices Studios and Support Services; 12 – Eating Establishments, other than Dive-ins; 13 – Convenience Goods and Services; 14 – Shopping Goods and Services; 17 (Vehicle Repair and Service Only); 19 – Hotel, Motel and Recreation; Use Unit 21 – Business Signs and Outdoor Advertising (including outdoor advertising); and 22 – Scientific Research and Development.

Maximum Permitted Floor Area:

Use Units 12, 13, 14, 16, and 17: 46,120 sf
Use Units 11, 19, and 22: 72,000 sf

Off-street Parking: As required by the applicable Use Unit within the Tulsa Zoning Code.

Maximum Building Height: None.
Minimum Building Setbacks:
- From the centerline of 109th east Ave.: 55'
- From the west property line: 10'
- From all other PUD area boundaries: 10'

Minimum Landscaped Open Space: As required by section 1104-E and Chapter 10 of the Tulsa Zoning Code.

Signs: Per section 1103-B-2 of the Tulsa Zoning Code.

Development Area B-1-C-2:

Permitted Uses: Use Unit 11 – Offices Studios and Support Services; 12 – Eating Establishments, other than Dive-ins; 13 – Convenience Goods and Services; 14 – Shopping Goods and Services; 17 (Vehicle Repair and Service Only); 19 – Hotel, Motel and Recreation; Use Unit 21 – Business Signs and Outdoor Advertising (including outdoor advertising); and 22 – Scientific Research and Development.

Maximum Permitted Floor Area:
- Use Units 12, 13, 14, 16, and 17: 46,120 sf
- Use Units 11, 19, and 22: 274,821 sf

Off-street Parking: As required by the applicable Use Unit within the Tulsa Zoning Code.

Maximum Building Height: None.

Minimum Building Setbacks:
- From the centerline of 109th east Ave.: 55'
- From the west property line: 10'
- From all other PUD area boundaries: 10'

Minimum Landscaped Open Space: As required by section 1104-E and Chapter 10 of the Tulsa Zoning Code.

Signs: Per section 1103-B-2 of the Tulsa Zoning Code.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
LEGAL DESCRIPTION
(TOTAL TRACT)

A TRACT OF LAND THAT IS PART OF LOT 1 IN BLOCK 1 OF "TULSA BONE & JOINT CLINIC" AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT THE SOUTHWESTERNLY CORNER OF SAID LOT 1; THENCE N 50°36'05" W ALONG THE WESTERLY LINE OF LOT 1 FOR 268.77' TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 2°52'44" AND A RADIUS OF 681.94' FOR AN ARC LENGTH OF 34.26', WITH A CHORD BEARING OF N 49°09'42" W FOR A CHORD DISTANCE OF 34.26' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING NORTHWESTERLY ALONG THE WESTERLY LINE ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 39°07'16" AND A RADIUS OF 681.94' FOR AN ARC LENGTH OF 465.62', WITH A CHORD BEARING OF N 28°09'43" W FOR A CHORD DISTANCE OF 456.63' TO A POINT OF TANGENCY; THENCE N 08°36'05" W ALONG SAID TANGENCY FOR 135.77'; THENCE S 67°51'43" E FOR 877.94' TO A POINT ON THE EASTERLY LINE OF LOT 1; THENCE SOUTHERLY ALONG SAID EASTERLY LINE ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 13°00'18" AND A RADIUS OF 330.00' FOR AN ARC LENGTH OF 74.90', WITH A CHORD BEARING OF S 02°51'50" E FOR A CHORD DISTANCE OF 74.74'; THENCE S 77°15'58" W AND PARALLEL WITH THE SOUTHERLY LINE OF LOT 1 FOR 595.79' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

THE PROPERTY DESCRIBED HEREON CONTAINS 223,526 SQUARE FEET OR 5.1315 ACRES.

THE BEARINGS USED IN THE ABOVE LEGAL DESCRIPTION ARE BASED ON THE RECORDED PLAT NUMBER 5729 OF "TULSA BONE & JOINT CLINIC".

THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY RONNIE LEE MARTIN, OKLAHOMA PROFESSIONAL LAND SURVEYOR NO. 1203, ON FEBRUARY 26, 2009. (CA NO. 1783, EXP. JUNE 30, 2009)
March 18, 2009

STAFF RECOMMENDATION

PUD-312-A: Detail Site Plan – Northwest of the northwest corner of 51st Street and Garnett Road; Part of Lot 1, Block 1 – Tulsa Bone and Joint; TRS 9430; CZM 84; Atlas 753/754; PD 18; CD 6; IL/PUD.

The applicant is requesting approval of a detail site plan for construction of a 46,500 square foot (sf) medical office building. The proposed use, Use Unit 11 – Offices, Studios and Support Services is a permitted use by PUD-312-A.

The submitted site plan meets all applicable building floor area, open space, and setback limitations as established by PUD-312-A as amended, and concurrent minor amendment application PUD-312-A-10 also on the 3/18/09 agenda of the TMAPC. 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 a maximum of 32' in total height and will be directed down and away from adjoining properties. A trash enclosure has been provided as required by the PUD.

Staff recommends APPROVAL of the detail site plan for the 46,500 sf medical office building in PUD-312-A subject to the parallel approval of minor amendment PUD-312-A-10.

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

**Tom's Kids** - (8333) (PD 26) (CD 8)
Southwest corner at 116th alignment and South Yale Avenue

This plat consists of two lots, one block, on 40 acres.

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

1. **Zoning:** The property is zoned PUD 399 with RS-1 underlying zoning. All PUD standards must be followed and shown in the covenants.

2. **Streets:** Include standard sidewalk language. Show sidewalk along Yale.

3. **Sewer:** Additional easement may be necessary along the east boundary of the plat. The proposed 8 inch line along the south boundary of the plat is okay in order to provide service for both proposed lots. However, Engineering Wastewater Design has determined that section of "dry" 12 inch diameter sanitary sewer pipe must be installed along the east boundary of the plat. This is required in order to provide for future connection to a sanitary sewer main that will serve the basin to the northeast of your project. Contact Matt Vaughan (596-9564) or Gary McColpin (596-9573) for details concerning this requirement.

4. **Water:** The south 10 feet of the north 27.5 foot utility easement (u/e) on lots 1 and 2 should be labeled as a 10 foot restrictive waterline easement. All waterline easements not adjacent to other utility easements will need to be 20 feet in size. Add language to the covenants for the restrictive waterline easement. A water mainline extension will be needed to serve each lot.

5. **Storm Drainage:** The northwest corner has a drainageway conveying public drainage across Lot 1. This drainageway must be placed in an overland drainage easement for the conveyance of runoff from 100 year (1% probability rainfall event). Lot 2 may have to provide on-site detention and overland drainage easements when it is developed, but they may be added by separate instrument. Section IA: Remove the word "General" from the title. Section IC3: After the words "ordinary maintenance of public", please change the sentence to say, "water mains, sanitary sewers, and storm sewers"... Section IF3: Beginning in the third line from the bottom, please remove the non-standard language, which says "or single trunk trees having a caliper of not less than two and one half (2 1/2) inches". Please show the planned paving within the mutual access easement. There are two locations where the overland drainage easements cross the conceptually paved...
roadway. Are these low water crossings or will there be roadway culverts to convey the public drainage under the roadway? Conceptual locations and square footage of buildings, parking lots, and their appurtenances should be shown.

6. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: No comment.

7. **Other:** **Fire:** An additional hydrant may be needed. The standard Fire Department comments concerning fire apparatus roads, cul-de-sacs, radius turns, and hydrant spacing and requirements apply. **GIS:** Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat. Label the point of beginning (POB). The adjacent subdivision, north of this site, should be labeled as "Country", not "County", Squire Estates. Please label the point of beginning and remove the contours from the face of plat. Please provide a basis of bearing, identification of monuments, square footage of each lot and its address. Title the Preliminary plat.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the public works department staff must be taken care of to their satisfaction.

**Standard Conditions:**

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

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

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.

6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A topo 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. Burring of solid waste is prohibited.

14. The method of sewage disposal and plans therefore 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 therefore 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.
March 4, 2009

BOA-20874 - (0226) (PD 2) (CD 1)
North of the northeast corner of North Boston Place and East Queen Street

The platting requirement is being triggered by a Board of Adjustment case to allow a
day care center in an RS-3 zone.

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

ZONING:
• TMAPC Staff: The property has been previously platted.

STREETS:
• No comment.

SEWER:
• No comment.

WATER:
• No comment.

STORM DRAIN:
• No comment.

FIRE:
• No comment.

UTILITIES:
• No comment.

Staff recommends APPROVAL of the plat waiver of 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?

3
A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

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<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>4. Is right-of-way dedication required to comply with Major Street and Highway Plan?</td>
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<td>X</td>
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<td>5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?</td>
<td>X</td>
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<td>6. Infrastructure requirements:</td>
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<td>a) Water</td>
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<td>i. Is a main line water extension required?</td>
<td>X</td>
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<td>ii. Is an internal system or fire line required?</td>
<td>X</td>
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<td>iii. Are additional easements required?</td>
<td>X</td>
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<td>b) Sanitary Sewer</td>
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<tr>
<td>i. Is a main line extension required?</td>
<td>X</td>
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<td>ii. Is an internal system required?</td>
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<td>iii. Are additional easements required?</td>
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<td>c) Storm Sewer</td>
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<td>i. Is a P.F.P.I. required?</td>
<td>X</td>
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<td>ii. Is an Overland Drainage Easement required?</td>
<td>X</td>
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<td>iii. Is on site detention required?</td>
<td>X</td>
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<td>iv. Are additional easements required?</td>
<td>X</td>
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<td>7. Floodplain</td>
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<td>a) Does the property contain a City of Tulsa (Regulatory) Floodplain?</td>
<td>X</td>
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<td>b) Does the property contain a F.E.M.A. (Federal) Floodplain?</td>
<td>X</td>
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<td>8. Change of Access</td>
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<td>a) Are revisions to existing access locations necessary?</td>
<td>X</td>
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<td>9. Is the property in a P.U.D.?</td>
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<td>a) If yes, was plat recorded for the original P.U.D.</td>
<td>X</td>
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<td>10. Is this a Major Amendment to a P.U.D.?</td>
<td></td>
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<tr>
<td>a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?</td>
<td>X</td>
<td></td>
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<tr>
<td>11. Are mutual access easements needed to assure adequate access to the site?</td>
<td>X</td>
<td></td>
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<tr>
<td>12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
from: Robert Buss [rbuss@cbwok.com]
sent: Tuesday, March 10, 2009 4:00 PM
to: Fernandez, Diane
subject: RE: plat waiver

Please withdraw our plat waiver application. We want to proceed with the rezoning though. Thank you,

E. Robert Buss
Charney, Buss & Williams, P.C.
8551 N. 125th East Ave., Suite 200
Owasso, OK 74055
(918) 272-5336
(918) 272-5339 Fax

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from: Fernandez, Diane [mailto:dfernandez@incog.org]
sent: Tuesday, March 10, 2009 3:51 PM
to: Robert Buss
subject: plat waiver

Bob – have you decided to withdraw this or request a continuance?

Diane S. Fernandez
Senior Planner
INCOG
201 West 5th Street
Tulsa, Oklahoma 74103
Telephone: 918-584-7526
E-mail: dfernandez@incog.org
Facsimile: 579-9581

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PRELIMINARY SUBDIVISION PLAT

Heritage Landing - (0329) (PD 3) (CD 3)
West of the Southwest corner of Apache and North Harvard Avenue

This plat consists of 1 Lot, 1 Block, on 3.03 acres.

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

1. **Zoning:** The property is zoned RM-3. A Senior Living Center is planned for the site.

2. **Streets:** Plat number 1786 was vacated. Confirm that right-of-way dedicated by the plat was not vacated.

3. **Sewer:** Use the standard language in Section I C. There is also an existing sanitary sewer line along the north side of East Apache Street that would be available for a mainline extension, if you have adequate depth to serve your property.

4. **Water:** Add of-site restrictive waterline easement filed document number.

5. **Storm Drainage:** Flat Rock Creek of Tulsa Regulatory Floodplain covers 2/3rds of the site. No construction or fill activities are allowed in the floodplain until the compensatory storage facility is completed. Show and label the compensatory storage easement on the face of the plat. Show the boundary line distances on all 4 sides of the stormwater detention easement. Show and label both the existing and the proposed Flat Rock Creek Regulatory Floodplain. Add a required minimum finished floor elevation to the face of plat. Please remove contours from the face of the plat. Add an overland drainage easement for the public drainage flowing onto the site from the southeast, or collect the drainage flowing onto the site at the property line, and pipe it across the property in a utility or a storm sewer easement; or do a combination thereof. Please use City of Tulsa standard language for Section I C & H. Add compensatory storage easement and overland drainage easement, City of Tulsa standard language, to Section I. Show and label the compensatory storage easement, both existing and proposed Flat Rock Creek City of Tulsa Regulatory Floodplain, and all overland drainage easements. All storm drainage systems that receive and convey offsite drainage across this site are public drainage systems, and must be placed in an easement.
6. **Utilities**: Telephone, Electric, Gas, Cable, Pipeline, Others: No comment.

7. **Other**: Fire: Move the proposed fire hydrant to the north, in line with the center of the parking lot. **GIS**: Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat. Please show a tie, on the face of the plat with monumentation, into the state plane coordinate system (NAD 83). Submit a subdivision control data form (Appendix D), last page of the subdivision regulations for the Tulsa Metropolitan area. **Airport**: Structure height as described should not cause air space permits to be required. Please provide a graphic scale bar.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the public works department staff must be taken care of to their satisfaction.

**Standard Conditions:**

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

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

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

4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A topo 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 therefore 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 therefore 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.
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: PUD-769

TRS 8310
CZM 53
TMAPC Hearing Date: March 18, 2009
Applicant: Hunter Construction Mgt. Inc.
Atlas 1419
PD-18 CD-8
Continued from 3/4/09
Tract Size: 3.31± acres

ADDRESS/GENERAL LOCATION: East of northeast corner of East 81st Street and South Yale Avenue

EXISTING ZONING: OL
EXISTING USE: Vacant

ZONING ORDINANCE: Ordinance number 17231 dated October 17, 1989, established zoning for the subject property.

PROPOSED ZONING: OL/PUD
PROPOSED USE: Office

RELEVANT ZONING HISTORY:

PUD-500 June 1993: All concurred in approval of a propose Planned Unit Development a 7.6± acre tract of land for a commercial shopping center on property located on the northeast corner of East 81st Street and South Yale Avenue and abutting the subject property to the west.

PUD-457 March 1990: All concurred in approval of a propose Planned Unit Development a 76.7± acre tract of land for residential development, subject to conditions on property located north and east of the northeast corner of East 81st Street South and South Yale Avenue and abutting north and east of subject property.

Z-6256 October 1989: All concurred in approval of a request for rezoning a 80± acre tract of land from AG to RS-3/OL on property located east of northeast corner of East 81st Street and South Yale Avenue and a part of the subject property

Z-6026/PUD-389 February 1985: All concurred in approval of a request for rezoning a 32± acre tract of land from RS-3 to RM-0/OL and a propose Planned Unit Development for multi-family use on property located on the southeast corner of 81st Street and South Yale Avenue and abutting south, across 81st Street, of subject property.

PUD-210 June 1978: All concurred in approval of a propose Planned Unit Development a 10.77± acre tract of land for single-family development on property located north of the northeast corner of East 81st Street and South Yale Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3.31± acres in size and is located east of northeast corner of East 81st Street and South Yale Avenue. The property appears to be vacant and is zoned OL.
STREETS:
Exist. Access  MSHP Design  MSHP R/W  Exist. # Lanes
East 81st Street South  Secondary Arterial  100'  3

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

SURROUNDING AREA: The subject tract is abutted on the north and east by Holland Lakes, zoned RS-3/PUD; on the south by 81st Street and then The Vintage on Yale, zoned RD/RS-3/PUD; and on the west by Holland Center, zoned CS/RM-1/RS-3/PUD.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity – No Specific Land Use. According to the Zoning Matrix, the existing OL zoning may be found in accord with the Plan. In 1989, the OL zoning was found to be in accord with the Plan.

STAFF RECOMMENDATION:
The subject property is a 2.71 acre (118,125 sf) tract located east of the northeast corner of 81st Street South and South Yale Avenue. As stated above, the subject tract is abutted on the north and east by a heavily wooded reserve area for Holland Lakes and then Holland Lakes, a single family residential development zoned RS-3/PUD; on the south by 81st Street and then The Vintage on Yale, zoned RD/RS-3/PUD; and on the west by Holland Center, zoned CS/RM-1/RS-3/PUD.

The subject property is zoned OL, the land area of which would permit 43,312 sf of floor area at a .3 floor-to-area (FAR) ratio. PUD-769 proposes to divide the site into four or five pad sites allowing a total 40,000 sf of floor area, limited to Use Unit 11 – Office, Studio and Support Services only (see Exhibits A-1 and A-2).

Please refer to Exhibit B, the topographic map of the site showing an approximate 15'-foot (+/-) decline in topography from the 81st Street right-of-way (ROW) to the south edge of the Holland Lake (see also site photographs attached hereto by staff). Rather than level the site and raise grade 15' (+/-) with retaining walls, the applicant is proposing the PUD overlay to take advantage of the site topography and allow construction of split-level buildings with basements and parking under the first floor in the rear (see Exhibit C, C-1 and C-2 - Elevations). Single-story elevations will front 81st Street with the two-story rear of the buildings screened from view with a six-foot solid wall or fence in addition to utilizing the heavily wooded south boundary of the abutting reserve area to provide additional natural screening. The inside of the screening wall or fence will also be heavily landscaped to further aid in screening.

Access to the site will be from one primary access point off 81st Street, and from a mutual access easement from Holland Center - the abutting property to the west. Sidewalks will be constructed along 81st Street.

Please refer to the attached Technical Advisory Committee (TAC) comments. Fees-in-lieu of on-site stormwater detention will be allowed for this site since there is a 100-year public drainage system along the west boundary of the site to which the stormwater will be directed. No stormwater will be allowed to drain into the reserve area for the adjacent Holland Lakes development.
The applicant notes subdivision platting is planned for the spring of 2009. The applicant anticipates the first building will break ground by fall 2009. The balance of the lots will be developed as the marketing of the individually owned buildings are sold.

With additional buffering and screening along the north and east boundaries of the site in addition to the naturally heavy vegetation in the reserve area of Holland Lakes and drainage diverted away from the aforementioned reserve area, staff can support the proposal.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-769 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-769 subject to the following conditions as amended by staff:

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

2. Development Standards:

**AREA:**

<table>
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<tr>
<th>GROSS:</th>
<th>3.31 ACRES</th>
<th>144,375 SF.</th>
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<tr>
<td>NET:</td>
<td>2.71 ACRES</td>
<td>118,125 SF.</td>
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**PERMITTED USES:**

Those uses permitted as a matter of right in Use Unit 10 - Off-Street Parking Areas and Unit 11 - Offices, Studios and Support Services only.

**MAXIMUM BUILDING FLOOR AREA:**

40,000 SF.

**MAXIMUM BUILDING HEIGHT:**

One story, not to exceed 20 feet facing 81st St. frontage and two stories, not to exceed 40 feet on the north elevation, with the lower level being covered parking, storage or day light basements for general office and mechanical equipment space.

**Off-STREET PARKING:**

As required by the applicable Use Unit of the Tulsa Zoning Code. Covenants and cross easements between lots in the subdivision will allow some shared parking.

**MINIMUM BUILDING SETBACKS:**

From centerline of 81st St.: 100 FT
From the east boundary of the PUD: 10 FT
From the north boundary of the PUD: 40 FT
From the west boundary of the PU: 40 FT
From internal lot lines: 0 FT*
* A 10 foot building separation is required

MINIMUM LANDSCAPED AREA:

A minimum of 15% of land area shall be improved as internal landscaped open space in accord with the Landscape Chapter of the Zoning code, as well as perimeter landscaping as required by the Zoning Code which may be included in open space calculations.

SITE SCREENING:

A minimum of a six-foot (6") solid screened wall or fence shall be constructed along the entirety of the north and east boundaries of the PUD in conformance with §1211, C-1 of the Tulsa Zoning Code.

LIGHTING:

All parking area light standards shall not exceed 16 feet in height. All parking lot lighting and shall be directed downward and away from the north and east boundary of the property in compliance with §1303-C of the Tulsa Zoning Code. Verification of compliance shall be through application of the Kennebunkport formula and submission of a photometric plan.

No lighting on the north and east facing walls of the office buildings shall be permitted other than accent and security lighting which shall also comply with §1303-C of the Code. Verification of compliance shall also be through application of the Kennebunkport formula and submission of a photometric plan.

SIDEWALKS:

Sidewalks will be provided along 81st Street South per subdivision regulations.

TRASH CONTAINERS:

Trash receptacles shall be completely screened from view of a person standing at ground level within an abutting residential district. Trash collection will be restricted to 9:00 am to 6:00 pm.

SIGNS:

One tenant identification sign is permitted along the 81st Street frontage identifying the office park not to exceed 8' in total height nor 64 square feet of display surface area. Each building will be permitted one south facing wall sign not to exceed 1 square foot of display surface area per lineal foot of wall to which the sign is affixed.

3. No zoning clearance permit shall be issued 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. Cross parking arrangements shall be reflected on each site plan.

4. A detail landscape plan for the development area 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 will be installed by a specific date in accordance with the approved landscape plan, 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. 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 or existing stormwater drainage structures and detention areas serving the development area 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 platting 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. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

10. 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.

11. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: No Comments.

Water: A 12-inch water mainline exists along the south side of E. 81st St. South.
Fire: The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet outside radius.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (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: Stormwater notes from the Pre-Development Conference state the following: A Stormwater Pollution Prevention Plan (SP3) will be required for this site. There is a 100-Year Public Drainage System along the west boundary of this site, therefore, Fees-In-Lieu of providing On-site Detention will be allowed. Additional drainage is not allowed to flow to the existing Reserve Area. Fill materials and spoils cannot be placed in the floodplain. It is recommended that a location specific Flood Zone Determination be requested for all buildings constructed on this site. A Infrastructure Development Process (IDP) project, previously known as Privately Financed Public Improvement (PFPI), will be required to connect to the Public Drainage System, and to construct Public Drainage Systems on this site.

Wastewater: Access to sanitary sewer service must be provided to all lots within the proposed development.


INCOG Transportation comments:
- MSHP: 81st St. S., between S. Sheridan Rd and S. Yale Ave., is designated secondary arterial.
- LRTP: 81st St. S., between S. Sheridan Rd and S. Yale Ave., planned 4 lanes.
- TMP: No comments.
- Transit: No existing or future plans for this location.

GIS: No comments.

Street Addressing: No comments.

03/04/09
Two views of PUD-769 site from the south—across 81st Street
Two views of PUD-769 site from the west—looking NE and SE
Two views of PUD-769 site from the southeast (81st) — looking NW
Two views of PUD-769 site from the north—Across Holland Lakes Reserve Area
View of PUD-769 site from the north—Across Holland Lakes Reserve Area looking southwest @ west boundary

View of PUD-769 site from the north looking south @ east boundary
View of PUD-769 site from the west looking east along 81st Street

View of PUD-769 site from the north looking southeast at closest houses in Holland Lakes
Varying topography of neighborhood
Sansone, Christopher

From: Brett Biery [brett@huntercompaniesinc.com]
Sent: Wednesday, March 11, 2009 5:16 PM
To: Sansone, Christopher; Ted Sack; perryrdunham@sbcglobal.net; Paul Tims; Brad McMains; Bryan Nunneley
Subject: East Bldg. Perspective view
Attachments: OHL Perspective.jpeg

Gentlemen,
Attached please find a perspective line drawing of the Eastern Building proposed for The Offices @ Holland Lakes.
Hope this aids in everyone ability to visualize the 3D reality of the office building along the East Property Line.
Ted Sack is working on a sightline drawing of this building with an 8’ screening fence on the East and North Property Line.
Please let me know your questions or comments.
Thanks,

Brett Biery

Hunter Construction   (918) 299-5544
10051 South Yale Suite 200
Tulsa, Oklahoma 74137   Fax (918) 299-7109

3/11/2009
Sansone, Christopher

From: Brett Biery [brett@huntercompaniesinc.com]
Sent: Thursday, March 05, 2009 4:53 PM
To: Sansone, Christopher
Cc: Brad McMains; Bryan Nunneley
Subject: Offices @ Holland Lakes 3D Exhibit
Attachments: 100_0948.JPG; 100_0952.JPG; Combined cons1&2.pdf

Chris,
As we discussed this morning, we erected a pole at the Northeast corner of the East building shown on our site plan Exhibit A-1.
The pole is set to the finish floor elevation of approx. 757.3’ msl. Finish Floor is indicated by Black Tape. 3’ AFF is the bottom of a 5’ window indicated by Red Tape.
2’ above the window is Black Tape indicating the finished ceiling height which is 10’ AFF (767.3’ msl). 5’ above ceiling height is Red Tape indicating top of roof.
4’ above top of roof is the end of the pole which represents the height of the parapet wall above roof for screening the RTU’s, vents and any other mechanical equipment.

It was difficult to photograph the pole from multiple vantage points due to the number of trees which exist not only on the office property but in the reserve areas surrounding the property to the East & North. From our observation, one would have difficulty finding a sightline through these trees once the have fully foliated. Any “holes” could be filled with strategically planted trees.

Please pass this information along to the TMAPC Commissioners so that they are aware of this “3D” representation when they visit the site.
Also as we discussed, please ask the commissioners to review the screening fence recently installed at the Offices of Walnut Creek just West of Harvard on 81st Street.
Caution to those who go out and want to cross the spillway bridge. The West guardrail is gone and there are several weak and walk missing boards.

Attached is a photo showing the current water drainage course on the East property line that flows into the pond. As discussed, this will need to be re-graded to keep the water within the reserve drainage easement. The existing wall is built across the easement and directing the water further to the West. Since the wall is a precast concrete panel supported on spot footings at the columns, the water should be able to flow under the wall by excavating a new channel within the 10’ drainage easement and flow North into the pond.

Please let me know if you have any question and I look forward to receiving a copy of the Holland Lakes HOA petition.
Thank you for your good work.

Brett Biery

Hunter Construction   (918) 299-5544
10051 South Yale Suite 200
Tulsa, Oklahoma 74137   Fax (918) 299-7109

3/6/2009

12.26
APPLICANT "3-D" EXHIBIT AND EXPLANATION
We, the Home Owners of Holland Lakes Subdivision, adjoin a 3.31-acre tract (Tract) that is subject to a proposed PUD-769 that has been brought before the Tulsa Metropolitan Area Planning Commission (TMAPC) for approval by applicant Hunter Construction Management, Inc. (Hunter). On this third day of March 2009, we wish to petition the TMAPC to:

1. Maintain the existing Office Low Density District (OL) zoning requirements for that Tract that allows for the construction of a 1-story office building(s) with a maximum floor area ratio (FAR) of 0.25. We collectively agree that the five 2-story buildings that Hunter proposes, with a FAR of greater than 0.25 (0.28 proposed), will be highly intrusive, will severely impact the privacy and day-to-day lives of those who live on or near our Subdivision’s West Lake, will be a substantial detriment to our enjoyment of our properties, will devalue our homes, and disrupts the natural beauty of our neighborhood.

2. Protect the privacy and security of our homes by requiring a barrier of an 8-foot tall masonry wall combined with sufficient trees and landscaping along the east and north boundaries of the subject Tract. We collectively agree that the screening proposed by Hunter is entirely insufficient, considering the substantial slope of the Tract, to block parking lot headlights, noise, etc. Such a masonry wall would assure compatibility with our addition’s existing masonry wall that bounds our neighborhood along 81st Street and would allow us to maintain a high level of security within our gated community.

3. Protect our Subdivision’s West Lake from silt and debris during construction, protect our greenbelt area, and provide security by building the masonry wall barrier before construction on the Tract begins. The Subdivision’s West Lake is part of the City of Tulsa’s storm water detention system, but is owned and primarily maintained by the Holland Lakes Property Owners’ Association (HLPOA). Past development of the Minshall Park Addition, located immediately east and upslope of Holland Lakes.
Addition, caused significant siltation problems within our drainage system that led to the dredging of our Lakes eight years ago at great expense to both HLPOA and the City. These expenses included the costs of the dredging and the City provided trucks to haul and dispose of the debris. HLPOA spent tens of thousands of dollars for that work and has since borne all the cost of maintaining the Lakes. It is our great concern that while developing this Tract that silt and debris may again be allowed to flow into our Lake and cause these problems to be repeated. While Hunter's proposed silt fencing may satisfy the regulatory requirements regarding stormwater pollution prevention we are aware that these structures are often ineffective in stopping the runoff and inflow of debris that could be swept into our West Lake.

The HLPOA collectively owns a strip of undeveloped land that bounds the east and north sides of the proposed development Tract. Currently, this strip is a wooded area with trees that have taken years to establish. It is our concern, and our expectation, that this property and vegetation be completely protected from any development activities. Several years ago when the Borders Book Store was constructed immediately west of our addition, we were assured that our greenbelt area separating our addition from Borders would remain intact. However, every tree was cut. After much effort our established trees were replaced, but with small new trees that at least for now offer little screening. We want to avoid repeating this unfortunate scenario by having the barrier wall, in addition to the silt fencing, in place before construction begins to protect our West Lake and greenbelt, and insure that the privacy and security of our neighborhood are maintained.

4. Reconsider the setback requirements along the east boundary of the proposed development Tract. Currently, Hunter is proposing a 10-foot separation between their east property line and the wall of their closest office building. Along the north and portions of the east property lines of the development Tract Hunter is proposing a building height of up to 40 feet. Consider the privacy of the Holland Lakes homeowners who adjoin
the proposed development on the east. A 40-foot office structure would tower over the backyards and homes of those residents.

5. Allow the residents of the Holland Lakes Addition to review the detailed site plan once it is presented, come to the hearing, and have input to assure that the perimeter requirements for screening, landscaping, and setbacks are compatible with the development of our neighborhood as required under Tulsa County Zoning Code Section 1150.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr. and Mrs. Seaford Simms</td>
<td>8056 S. Fulton Ave.</td>
</tr>
<tr>
<td>Dr. &amp; Mrs. John Fisher</td>
<td>8004 S. Darlington Ave.</td>
</tr>
<tr>
<td>Donald Nation</td>
<td>5409 E. 80th Pl.</td>
</tr>
<tr>
<td>Peggy Shattuck</td>
<td>5308 E. 80th Place</td>
</tr>
<tr>
<td>Beverly Tuttle</td>
<td>8006 S. Darlington Ave.</td>
</tr>
<tr>
<td>Sam Post</td>
<td>8006 S. Darlington Ave.</td>
</tr>
<tr>
<td>Laura Golay</td>
<td>7902 E. 80th Ave.</td>
</tr>
<tr>
<td>Debbie Bailey</td>
<td>6220 E. 79th St.</td>
</tr>
<tr>
<td>Anna McRae</td>
<td>5114 E. 79th St.</td>
</tr>
<tr>
<td>Marshall McRae</td>
<td>5114 E. 79th St.</td>
</tr>
<tr>
<td>Patti McRae</td>
<td>7915 South Fulton Ave.</td>
</tr>
<tr>
<td>Nancy &amp; Sam McRae</td>
<td>7929 S. Fulton Ave.</td>
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<tr>
<td>Marcia &amp; Kean Gunga</td>
<td>8008 S. Fulton Ave.</td>
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<tr>
<td>Norma S. Beth</td>
<td>8008 S. Fulton</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
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</tr>
<tr>
<td>John Woodard</td>
<td>801 S. Fulton, 74136</td>
</tr>
<tr>
<td>Carolyn Goodard</td>
<td>805 N. Fulton, 74136</td>
</tr>
<tr>
<td>Fred Hilton</td>
<td>800 S. Erie Ave, 74136</td>
</tr>
<tr>
<td>Peter Von</td>
<td>5411 E. 50th St</td>
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<tr>
<td>Alicia Knapp</td>
<td>8021 S. Fulton Ave</td>
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<tr>
<td>Roy Powell</td>
<td>7901 S. Fulton Ave</td>
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<tr>
<td>junior</td>
<td>3315 E. 79th St</td>
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<tr>
<td>Maika Hamik</td>
<td>5132 E. 19th Ave</td>
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<tr>
<td>Sandy Scher</td>
<td>5119 E. 79th St</td>
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<tr>
<td>John O'Farro</td>
<td>7910 S. Braden</td>
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<tr>
<td>Barry Block</td>
<td>5309 E. 79th Street</td>
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<tr>
<td>Anthony Tabbok, M.D.</td>
<td>5304 E. 79th St</td>
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<tr>
<td>Jill Fryer</td>
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<tr>
<td>Karl Frye</td>
<td>7919 S. Braden Ave</td>
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<tr>
<td>Jim MacKay</td>
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</tr>
<tr>
<td>John &amp; Cindy Thompson</td>
<td>8016 S. Darlington Ave, 74136</td>
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<tr>
<td>Dave McKeen</td>
<td>5307 East 80th Place</td>
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<tr>
<td>Patricia El-Kabale</td>
<td>5118 E. 80th St, Tulsa 74136</td>
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<td>Maht El-Dahal</td>
<td>5118 E. 80th St, Tulsa 74136</td>
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<tr>
<td>Alex El-Dahal</td>
<td>5118 E. 80th St, Tulsa 74136</td>
</tr>
</tbody>
</table>

12.34
Chris Lopez  8024 S Darlington Ave
Denise Lewis  5318 E 80th Pl
Deanna Lewis  5318 E 80th Pl
Mellie Lewis  5400 E 80th St NE
Barbara Coakley  5417 E 80th St
Patrice A. Coakley  5417 E 80th St
Jaya S. Coakley  8005 South Fulton Ave
Tommie Coakley  8229 S Fulton
Wanda D. Coakley  8029 S Fulton
Myllan Kelli  8051 S Fulton
Lori Coakley  7908 S Fulton Ave
May Fisher  7908 S Fulton Ave
Miranda  7808 S Fulton Ave
Kami  7909 S Fulton Ave
Krae Harris  5310 E 79th St
Cindy Henderson  7912 S Darlington Ave
Tammy Hudd  7912 S Darlington Ave
Shea Neal  7920 S Darlington Ave
Dave Neal  7920 S Darlington Ave
Mike Neal  7917 S Darlington Ave
Julie Wills  7917 S Darlington Ave

12-35
Mike
5105 E. 80th St. Tulsa, OK 74136
7904 S. Braden Ave. Tulsa, OK 74136

Mary PARK
7904 S. Braden Ave. Tulsa, OK 74136

J.D. II
5125 E. 79th St. Tulsa, OK 74136

Mary EMERSON
5131 E. 79th St. Tulsa, OK 74136

Afso EMERY D.O.
5131 E. 79th St. Tulsa, OK 74136

Julia Warnock
5117 E. 80th St. Tulsa, OK 74136

James Lewis M.D.
5117 E. 80th St.

Candace R. Lentsch
5117 E. 80th St. Tulsa, OK 74136

Sue Clark
5112 E. 80th St.

Kaye Raygon
5303 E. 79th St.

Quady & Richard EDMONSON
7924 S. Braden 74136

Mike Hurley
5410 E. 80th St. 74136

Steve Talley
5410 E. 80th St. 74136

Paul MCARDLE
5120 E. 79th St. 74136

Margaret Grestley
8008 South Braden Ave. 74136

12.36
March 11, 2009

Dane Matthews  
INCOG  
201 West 5th Street  
Suite 600  
Tulsa, Oklahoma 74103

Re: Z-7124 & Z-7125

Dear Ms. Matthews,

We are requesting that they above two (2) referenced cases be continued until we are able to submit the PUD packet that will be heard in conjunction with these cases. We are working on the PUD at this time and should have it into INCOG and TMAPC in about two weeks.

If you have any further comments or questions, please call. Thank you.

Sincerely,

[Signature]

Nicole Watts, P.E.  
Associate / Project Manager
March 11, 2009

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INCOG
201 West 5th Street
Suite 600
Tulsa, Oklahoma 74103

Re: Z-7124 & Z-7125

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Sincerely,

Nicole Watts, P.E.
Associate / Project Manager
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: CZ-398

TRS 0405
CZM 24

Atlas 0
PD- County

TMAPC Hearing Date: March 18, 2009

Applicant: Robert Busa

Tract Size: .57± acres
24,829.2 ± square feet

ADDRESS/GENERAL LOCATION: Southeast corner of East 66th Street North and Highway 169 North

EXISTING ZONING: AG
EXISTING USE: Agriculture

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

PROPOSED ZONING: IL
PROPOSED USE: John Deere equipment sales (expansion of existing John Deere facility adjacent to it.)

RELEVANT ZONING HISTORY:

CZ-361 January 2006: All concurred in approval of a request for rezoning a 88.1± acre tract of land from AG to IL on property located west side of U.S. Highway 169 North between 56th Street North and 66th Street North.

CZ-266 June 2000: A request to rezone a 16+ acre tract of land from RMH to IL located east of the southeast corner of East 66th Street North and U. S. Highway 169, all concurred in approval of the IL zoning on only that portion of the site outside of the regulatory floodway. The applicant has not provided a legal description of the property approved for IL zoning and no Resolution has been published.

CZ-234 May 1997: All concurred in approval of a request to rezone a 5+ acre tract of land from AG to IL located in the southwest corner of East 66th Street and North Mingo Valley Expressway.

CZ-225 July 1996: A request to rezone a 6± acre tract of land from AG to CS or IL fronting along the east side of U. S. Highway 169 North. Staff recommended denial of CS or IL and recommended the tract remain AG and undeveloped due to the development sensitive nature of the property (flood prone). The applicant requested for IL zoning stating that it was consistent with the existing zoning and development. TMAPC and County Commission concurred in approval of IL zoning.

CZ-224 April 1996: A request to rezone a 21± acre tract of land from AG to CS or IL located on the southwest corner of East 66th Street North and North Mingo Valley Expressway, was recommended by staff for denial. TMAPC recommended approval of IL zoning of the north
550' approximately 330' from the eastern boundary, with the balance of the tract to remain AG.

**CZ-223 February 1996:** All concurred in approval of a request to rezone a 4+ acre tract from AG to IM located north of the northwest corner of East 66th Street North and North Mingo Valley Expressway.

**CZ-182 April 1990:** A request to rezone two tracts, one located in the southeast corner of East 66th Street North and North Mingo Valley Expressway and the other tract located south of the southeast corner of East 66th Street North and North Mingo Valley Expressway. All concurred in approval of IL zoning for the northern lot and denial of the remainder.

**CZ-146 June 1986:** A request to rezone 3+ acre tract of land abutting the subject tract to the east and southeast from RMH to CG. All concurred in recommending denial of CG and approval of IL for recreational vehicle sales.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .57± acres in size and is located southeast corner of East 66th Street North and Highway 169 North/North 115th East Avenue. The property appears to be vacant and is zoned AG.

**STREETS:**

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>East 66th Street North</td>
<td>Secondary arterial</td>
<td>100'</td>
<td>2</td>
</tr>
<tr>
<td>North 115th East Avenue/Highway 169 North</td>
<td>Highway/access road</td>
<td>Varies</td>
<td>4 for highway; 2 for North 115th East Avenue</td>
</tr>
</tbody>
</table>

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

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land/large lot single-family residential, zoned IL; on the north by the Tulsa County Sign Shop, zoned IL; on the south by a John Deere dealership, zoned IL; and on the west by North 115th East Avenue and US 169, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The North Tulsa County Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Development Sensitive Area 3. According to the Zoning Matrix, the requested IL zoning may be found in accord with the Plan. Plan provisions call for future development to be carefully planned to take the development sensitive nature of the site into consideration. Staff note: this is always a consideration during the platting and permitting phases.

**STAFF RECOMMENDATION:**

The proposal is to expand the existing John Deere facility onto this site. The location is good, due to proximity of the secondary arterial (East 66th Street North) and Highway 169, both of which will facilitate movement of farm and other heavy vehicles. Therefore, staff recommends **APPROVAL** of IL zoning for CZ-398.

03/18/09
TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT

APPLICATION: Z-7127

TRS 0431       Atlas 633
CZM 31          PD-16 CD-6

TMAPC Hearing Date: March 18, 2009

Applicant: Brenda Gregg

Tract Size: 5.89+ acres

ADDRESS/GENERAL LOCATION: South of southeast corner East Pine Street and North
Mingo Road

EXISTING ZONING: AG

EXISTING USE: Agriculture/single-family
residential with an outbuilding

ZONING ORDINANCE: Ordinance number 11811, dated June 26, 1970, established zoning
for the subject property.

PROPOSED ZONING: IL

PROPOSED USE: Light Manufacturing

RELEVANT ZONING HISTORY:

Z-6998 September 2005: All concurred in approval of a request for rezoning a 38.03+ acre
tract of land from RM-2 to IL for light industrial park use, on property located south and west of
southwest corner of East Pine Street North and Highway 169 North and east of subject
property.

Z-6946 July 2004: All concurred in approval of a request for rezoning a 5+ acre tract of land
from OL to IL for light manufacturing and warehouse use, on property located east of
northeast corner of East Pine Street and North Mingo Road and northeast of subject property.

BOA-18238 November 24, 1998: The Board of Adjustment approved a Special Exception to
permit a convenience store (QuikTrip) in an IL district, on property located at the northwest
corner of East Pine Street and North Mingo Road.

BOA-17428 July 9, 1996: The Board of Adjustment approved a Special Exception to permit a
church and church uses, per plan submitted; subject to the installation of a screening fence on
all boundaries abutting R district, on property located south and west of southwest corner of
East Pine Street and North Mingo Road.

BOA-17307 February 27, 1996: The Board of Adjustment approved a Special Exception to
permit Use Unit 17 automotive repair shop in a CS district; per plan submitted; subject to no
vehicles stored on the property for more than 30 days; no outside storage of parts or
merchandise; and a six foot privacy fence, as depicted on the plot plan, on property located at
the southwest corner of East Pine Street and North Mingo Road.
AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.89+ acres in size and is located south of southeast corner East Pine Street and North Mingo Road. The property appears to be in single-family residential use with out-buildings and is zoned AG. A large pond is on the west part of the property. The subject property does not currently have municipal sewer (it does have water), mains have been extended nearby that any new development can be connected with if the developer so desires and if so required.

Although major stormwater management improvements in conjunction with Mingo Creek have been done just east of the subject property, approximately 80% of the site remains within the Regulatory and FEMA Zone-A floodplains.

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<tr>
<td>North Mingo Road</td>
<td>Secondary arterial</td>
<td>100'</td>
<td>4</td>
</tr>
</tbody>
</table>

UTILITIES: The subject tract has municipal water but no sewer available currently. A sewer main extension will be required to service any future development here.

SURROUNDING AREA: The subject tract is abutted on the east by vacant/agricultural land, zoned AG and farther east by industrial type uses and the Mingo Creek drainage way; on the north by vacant land and single-family residential uses-, zoned AG; on the south by an automotive use, zoned IL; and on the west by North Mingo Road and Hwy. 169, zoned IL and AG. Directly west of Mingo Road and Hwy. 169 are single-family residential uses, zoned RS-3, an automotive parts store, zoned CS and a restaurant, also zoned CS. Much of the surrounding area is within the Regulatory and FEMA floodplain.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Development Sensitive-No Specific Intensity. According to the Zoning Matrix, the requested IL zoning may be found in accord with the Plan, provided that development takes into account the sensitive nature of the area. Staff notes that this area lies between two Special Districts: Special District 1-Airport Special District, and Special District 2, Industrial and Airport-Related Uses. This area has been in transition to industrial uses for many years, due to growth needs of the airport, incompatibility of adjacent older single-family land uses and improved transportation routes in the area.

STAFF RECOMMENDATION:

Based on this site's location within a floodplain, staff cannot support the requested rezoning at this time and therefore recommends DENIAL of IL zoning for Z-7127. Its location in the Regulatory and FEMA floodplains requires that any development or redevelopment here must meet all floodplain regulations, specifically:

- Finished floor must be elevated at least one foot above Base Flood Elevation;
- No fill in the floodplain without compensatory storage;
- No increase in runoff from the site onto adjacent properties;
- Detention or fees-in-lieu of detention.

Were it not for the location within the floodplain, this site would be ideal for light industrial development. As previously noted, the area appears to be in transition to industrial and
related uses and industrial and commercial zoning are nearby. The site may be appropriate for industrial rezoning and use if at some point a developer is able to either remove the property from the floodplain zone or ameliorate the potential for future flooding.

03/18/09
Dane,

About 80% of this site is located in the FEMA Zone AE floodplain. This means that all the floodplain requirements will be enforced. This does not mean that the site cannot be developed, but that floodplain ordinances will be followed in the development plans. This includes elevating the finished floor at least 1ft above the Base Flood Elevator, no fill in the floodplain without compensatory storage, no increase in runoff from the site onto neighbors, detention, or fees-in-lieu of detention, and others. We will be glad to meet with the owners when they are ready to discuss plans. The "takings" issue is not a factor in floodplain management, it is the Ordinance of the City of Tulsa.

Let me know if you have further questions.

David

>>> "Matthews, Dane" <dmatthews@incog.org> 3/10/2009 7:39 AM >>>
The address on the property involved in Z-7127 is 1339 N. Mingo. It's 5.89 acres and includes a large pond. They're asking for IL zoning from AG. Surrounding zoning includes IL, AG, CS and RS-3. My questions are does this fall within a floodplain? If so, all or part and what part? If we don't recommend the IL zoning, what use will the owner be left with? Could any new development on the property be legally used if elevated above the flood limits? I am concerned about the takings issue here. Thanks.

Dane D. Matthews, AICP
Assistant Manager, Land Development Services
INCOG
201 W. 5th Street, Ste. 600
Tulsa, OK 74103
(918) 579-9471

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