

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2189

Wednesday, January 20, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Westervelt	Bruce	Romig, Legal
Carnes		Dunlap	Counsel
Dick		Huntsinger	
Harmon		Matthews	
Hill		Stump	
Horner			
Jackson			
Ledford			
Midget			
Pace			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, January 19, 1999 at 9:30 a.m., posted in the Office of the City Clerk at 9:22 a.m., as well as in the office of the County Clerk at 9:18 a.m.

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

Minutes:

Approval of the minutes of December 16, 1998, Meeting No. 2186:

On **MOTION** of **CARNES** the TMAPC voted **9-0-1** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; Dick "abstaining"; Westervelt "absent") to **APPROVE** the minutes of the meeting of December 16, 1998 Meeting No. 2186.

REPORTS:

Committee Reports:

Budget and Work Program Committee

Mr. Horner reported that there will be a work session immediately following the TMAPC meeting in Room 1102, City Hall.

Comprehensive Plan Committee

Mr. Ledford reported that the Comprehensive Plan Committee had a meeting before lunch regarding the 1999 Housekeeping Amendments, which will be on today's agenda.

Policies and Procedures Committee

Mr. Carnes reported that there will be a meeting immediately following the TMAPC meeting in Room 1102, City Hall.

Director's Report:

Mr. Stump reported that the Infill Task Force held a meeting on January 14, 1999 and was not well attended by the members. He stated that the members who were present did discuss the various recommendations. The staff is now preparing some of the changes and will be mailing the draft form. The Infill Task Force will be meeting on February 8, 1999 at 3:00 p.m. on the 11th floor of City Hall. He indicated that the draft report will probably be finalized and then be presented to the Planning Commission and the Mayor's office.

Mr. Boyle asked Mr. Stump if he had a date that the final report will be submitted to the Planning Commission. In response, Mr. Stump stated that it will probably be late February or early March.

Mr. Stump reported that there are two Planning Commissioners up for reappointment on the City Council agenda Thursday. The Planning Commissioners are Joe Westervelt and Fran Pace.

SUBDIVISIONS

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-18725 Sack and Associates (283)</u> 6122 South Memorial	(PD-18) (CD-7)
<u>L-18768 Brandon Perkins (874)</u> South of southwest corner 131 st Street and 121 st East Avenue	(PD-19) (County)
<u>L-18776 Jim Inhofe (3483)</u> 11732 South Sheridan	(PD-20) (CD-8)
<u>L-18778 Gary Christensen (1973)</u> 15501 South Peoria	(PD-21) (County)
<u>L-18779 Tanner Consulting (2283)</u> North of northwest corner of East 101 st Street and Braden	(PD-26) (CD-8)
<u>L-18780 Tulsa Development Authority (3602)</u> Southwest corner of Pine and Peoria	(PD-2) (CD-1)
<u>L-18781 Tulsa Development Authority (1903)</u> 2797 North Peoria	(PD-2) (CD-3)
<u>L-18782 Melissa Usrey (614)</u> 9706 East 126 th Street North	(PD-15) (County)
<u>L-18783 City of Tulsa (383)</u> 7027 South Joplin	(PD-18) (CD-7)
<u>L-18785 Steve P. Metheny (2593)</u> 9200 Block of East 41 st Street	(PD-17) (CD-5)
<u>L-18787 City of Tulsa (694)</u> 11212 East Admiral Place	(PD-5) (CD-6)

Staff Recommendation:

Mr. Dunlap stated that these lot-splits are all in order and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Ledford, Jackson, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

FINAL PLAT:

New Life Christian School (282)

(PD-8) (CD-2)

North of the northeast corner West 71st Street and South Union Avenue

Staff Recommendation:

Mr. Stump stated that staff has received all of the release letters and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Final Plat for New Life Christian School as recommended by staff.

Citizen's Bank at Southern Crossing (PUD-578) (2683)

(PD-26) (CD-8)

West of the northwest corner East 111th Street and South Memorial Drive

Mr. Ledford announced that he will be abstaining.

Staff Recommendation:

Mr. Stump stated that staff has received all of the release letters and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Westervelt "absent") to **APPROVE** the Final Plat for Citizen's Bank at Southern Crossing as recommended by staff.

Mr. Stump stated that Scott Bruce of INCOG will be presenting the Preliminary Plats today. He indicated that Mr. Bruce will be presenting some of the subdivisions in the coming meetings.

PRELIMINARY PLAT:

Jim Norton Center II (2483)

(PD-26) (CD-8)

South, East 98th Street South and east of South Memorial Drive

Staff Recommendation:

This is a subdivision of 7.79 acres into two lots in one block. It is zoned CO with PUD and is intended for auto and truck sales uses.

The following were discussed at the Technical Advisory Committee meeting on the preliminary plat:

1. Bruce, staff: The subject site is located in PUD 411 and 411C. The division line would be an important piece of information on the plat. The setback along South 85th East Avenue is 70' per 411C. The 40' access point and the 30' mutual access easement on the north side of the south property line should conform. A 30' overland drainage and utility easement runs east/west on the Jim Norton I property and stubs into Lot 2 of this project. Maximum floor area on Lot 1 is 49,500 SF and on Lot 2 is 13,265 SF per PUD 411C. East 98th Street South and 85th Avenue East are existing in this area. The development standards in the proposed covenants reflects PUD 411. They should be revised to reflect the standards of 411C.
2. Vaverka, Wastewater: Questioned sewer access to Lot 2. Engineer (Sack) replied that an easement would be provided along the northerly boundary of Lot 1.
3. Lee, Water: A site plan would be helpful to better understand water needs and possible methods of provision. Engineer (Sack) indicated that a 12' line is present on the western boundary of the site.
4. Rupp, Fire: Questioned water service to Lot 1. Engineer (Sack) indicated that Lot 2 could be served from the existing line. Lot 1 would be served from a future line along the west side of 85th East Avenue East.

7. All curve data, including corner radii, shall be shown on final plat as applicable.
8. City of Tulsa floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
9. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
10. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
11. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
12. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
13. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality.
14. The method of water supply and plans therefor shall be approved by the Department of Environmental Quality.
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
19. 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.)
20. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
21. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

Applicant's Comments:

Ted Sack, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he agrees with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Preliminary Plat for Jim Norton Center II, subject to conditions as recommended by staff.

Frenchman's Creek (2483)

(PD-26) (CD-8)

South of East 116th Street South and Hudson Court

Staff Recommendation:

This is a subdivision of 9.89 acres into 34 lots in three blocks. It is zoned RS-1 with PUD (596) and is intended for single-family residential uses.

The following were discussed at the Technical Advisory Committee meeting on the preliminary plat:

1. Bruce, staff: The City Council approved the zone change (to RS-1) and PUD on January 7, 1999. The development consisted of a long cul-de-sac with 20' emergency access to 116th Street. Staff questioned the Engineer (Sack) regarding the 66' separation between the end of the emergency access and 116th. Mr. Sack responded that the area was recorded under separate instrument and that the reference would be placed on the map. Steep grades were present in the southern portion of the site. The Engineer (Sack) responded that street grades would be in the 10% range. Underground storm drainage was seemingly required from the east central to west central portions of the site to create buildable areas on certain lots. Direct access from a lot onto the emergency access will be prohibited
2. Beach, staff: Questioned the configuration of the entry, being gate-guarded. Bruce responded that the PUD required a detail site plan for the entry. Eshelman indicated that entries were becoming standardized and were typically sufficient in terms of stacking distance.
3. Rupp, Fire: 20' paved width was sufficient for emergency use.
4. Payne, Development Services: On site detention, a PFPI and off-site easements will be required. Residual floodplain areas will be dedicated to the Public with maintenance responsibility lying with the homeowners.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None needed.

Special Requirements:

1. The recording reference for the area of the northerly 66' of the emergency access shall be indicated.
2. The specifics of the entry area shall be provided in a detail.
3. The plat shall be noted so as to limit access from individual lots onto the emergency access.
4. On-site detention will be required along with a \$4000/ acre stormwater assessment fee. Stormwater will be routed to the Hampton Oaks system. PFPI required for earth change, drainage and any work involving a public street.

Standard Conditions:

1. All conditions of PUD 596 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. The PUD approval date and references to Section 1100-1107 of the Zoning Code should be included in the covenants.
2. Utility easements shall meet the approval of the Technical Advisory Committee. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water and Sewer) prior to the release of the final plat. (Include language for W/S in covenants.)
4. 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).
5. Paving and drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering), including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the City of Tulsa.
6. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
7. Street names shall be approved by the Public Works Department and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.

9. City of Tulsa floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Public Works Department.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. Limits of Access or LNA as applicable shall be shown on plat as approved by the County Engineer. Include applicable language in covenants.
13. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
15. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality.
16. The method of water supply and plans therefor shall be approved by the Department of Environmental Quality.
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. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
21. 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.)
22. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

23. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC COMMENTS:

Mr. Boyle asked staff if the preliminary plat limits the access on the two lots located along the emergency entrance. In response, Mr. Stump stated that the preliminary plat has been redesigned to give the two lots direct access onto the private street system, rather than the emergency access.

Applicant's Comments:

Ted Sack, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he met with the neighborhood association and they requested that the crash gate be moved up to 116th Street. He indicated that he will be submitting a detail site plan of the entry area for review prior to the development of the entry.

TMAPC COMMENTS:

Mr. Boyle asked the applicant if there would be additional gates installed. In response, Mr. Sack stated that there should be a crash gate located at the edge of the subdivision.

Mr. Boyle asked Mr. Sack if the emergency access will be paved. In response, Mr. Sack answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Preliminary Plat for Frenchman's Creek subject to conditions as recommended by staff.

Eagle Ridge II (690)

(PD-23) (County)

Southwest corner of Coyote Trail and 11th Street

Staff Recommendation:

This is a subdivision of 95.75 acres into eight lots in one block. It is zoned AG and is intended for single-family residential uses.

The following were discussed at the Technical Advisory Committee meeting on the preliminary plat:

1. Bruce, staff: 11th Street and Coyote Trail were existing; the instrument dedicating the streets should be referenced. Two of the lots average less than 200' in width. The issue will need to be addressed. Water will be provided by the City of Sand

Springs; sewer will be individual septic. Perc tests are not yet available. The plat can not be reviewed by TMAPC until the tests have passed. The perimeter easement is 15' rather than 17.5'; not all the utilities were present to comment. The Subdivision Regulations require a minimum of 200' separation between dwellings and unplugged wells.

2. Rains, County Engineering: Right-of-way should be sufficient. Research has not yet indicated a dedication for Coyote Trail. The applicant (Coleman) indicated that he would provide the reference. A 6" water main is available on the north, east and south boundaries. Detention and drainage are not issues.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None needed.

Special Requirements:

1. Documentation of the Coyote Trail dedication and verification of right-of-way width.
2. Passing perc test.

Standard Conditions:

1. Utility easements shall meet the approval of the Technical Advisory Committee. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. 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).
3. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
4. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
5. All curve data, including corner radii, shall be shown on final plat as applicable.
6. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
7. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
8. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

9. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality. (Percolation tests required prior to preliminary approval of plat.)
10. 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.)
11. The method of water supply and plans therefor shall be approved by the Department of Environmental Quality.
12. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
13. The key or location map shall be complete.
14. 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.)
15. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
16. 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.)
17. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
18. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Preliminary Plat for Eagle Ridge II subject to conditions as recommended by staff. (Language deleted by TMAPC is shown as strikeout, language added or substituted by TMAPC is underlined.)

51 West (1890)

(PD-23) (County)

North of Highway 51 approximately 1/4 mile east of Coyote Trail

Staff Recommendation:

This is a subdivision of 5.38 acres into two lots in one block. It is zoned CS with PUD (584) and is intended for commercial, office and mini-storage uses.

The following were discussed at the Technical Advisory Committee meeting on the preliminary plat:

1. Bruce, staff, indicated the subject property is accessed off of Hwy 51 and is separated into two parcels by a 30' access easement. Water will be provided by the City of Sand Springs; sewer will be individual septic. Perc tests are not yet available. The plat can not be reviewed by TMAPC until the tests have passed. A steep slope bank is located on the north boundary of the property between it and the railroad, making the area unusable. The uses and layout shown on the site plan are in conformance with the PUD approval.
2. Rains, County Engineering, questioned the need for future access to the north. The applicant (Coleman) indicated that he is the owner of the parcels across the railroad and has no need for additional access. In addition, building setbacks from the access easement are in conformance with the zoning code, providing space for a 50' right of way if needed. Detention and drainage are not issues. Discussion occurred regarding the location of an Corps of Engineers easement. Coleman indicated that he would research and document the impact, if any, on his site.

Staff recommends approval of the preliminary plat subject to the following:

Waivers of Subdivision Regulations:

1. None needed.

Special Requirements:

1. Passing perc test.
2. Location of Corps of Engineers easement as it impacts this site.

Standard Conditions:

1. All conditions of PUD 584 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat including the PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the Technical Advisory Committee. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

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. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
5. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
6. All curve data, including corner radii, shall be shown on final plat as applicable.
7. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
8. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
9. It is recommended that the applicant and/or his engineer or developer coordinate with the Department of Environmental Quality for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
10. The method of sewage disposal and plans therefor shall be approved by the Department of Environmental Quality. (Percolation tests required prior to preliminary approval of plat.)
11. 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.)
12. The method of water supply and plans therefor shall be approved by the Department of Environmental Quality.
13. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
14. The key or location map shall be complete.
15. 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.)

16. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for stormwater facilities, and PUD information as applicable.)
17. 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.)
18. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
19. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **JACKSON**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Preliminary Plat for 51 West subject to conditions as recommended by staff.

PLAT WAIVER:

Z-6662 (3194)

(PD-18) (CD-5)

North of northeast corner of East 61st Street and South 107th East Avenue

Staff Recommendation:

The subject parcel was rezoned from RS-3 to IL on December 10, 1998. The rezoning triggered the platting requirement. The waiver is requested primarily because the lot is a portion of a previously-platted addition. It is in an area transitioning to industrial use, being directly east of Hwy 169, north of 61st Street.

Staff recommends approval of the plat waiver.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

- | | YES | NO |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 1) Has property previously been platted? | ✓ | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input type="checkbox"/> | ✓ |
| 3) Is property adequately described by surrounding platted properties or street R/W? | ✓ | <input type="checkbox"/> |

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

- | | | |
|--------------------------------------------------------------------------------------|--------------------------|---|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | ✓ |
| 5) Will restrictive covenants be filed by separate instrument? | <input type="checkbox"/> | ✓ |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | ✓ |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | <input type="checkbox"/> | ✓ |
| iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |
| 8) Change of Access | | |
| Are revisions to existing access locations necessary? | <input type="checkbox"/> | ✓ |
| 9) Is the property in a P.U.D.? | <input type="checkbox"/> | ✓ |
| a) If yes, was plat recorded for the original P.U.D.? | N/A | |
| 10) Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | ✓ |
| a) If yes, does the amendment make changes to the proposed physical | | |

development of the P.U.D.?

N/A

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Plat Waiver for Z-6662 as recommended by staff.

Z-6606 (983)

(PD-15) (CD-8)

7712 South Yale Avenue

Mr. Ledford announced that he will be abstaining.

Staff Recommendation:

The subject parcel was rezoned from RT to OL on November 17, 1997. The rezoning triggered the platting requirement. The waiver is requested primarily because the lot is a portion of a previously-platted addition. The project comprises the entirety of PUD 573.

Staff recommends approval of the plat waiver with the following comments.

The project carries an approved access change, moving it approximately 42' to the south along Yale Avenue.

The project includes a PFPI (506) for drainage-related grading work to the south and a flume for stormwater exiting the property, both in the Yale Avenue right-of-way.

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

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

YES NO

- 1) Has property previously been platted?
- 2) Are there restrictive covenants contained in a previously filed plat?
- 3) Is property adequately described by surrounding platted properties or street R/W?

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

- 4) Is right-of-way dedication required to comply with major street and highway plan?
- 5) Will restrictive covenants be filed by separate instrument?
- 6) Infrastructure requirements
 - a) Water
 - i) Is a main line water extension required?
 - ii) Is an internal system or fire line required?
 - iii) Are additional easements required?
 - b) Sanitary Sewer
 - i) Is a main line extension required?
 - ii) Is an internal system required?
 - iii) Are additional easements required?
 - c) Storm Sewer
 - i) Is a P.F.P.I. required?
 - ii) Is an Overland Drainage Easement required?
 - iii) Is on-site detention required?
 - iv) Are additional easements required?
- 7) Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain?
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain?
- 8) Change of Access
Are revisions to existing access locations necessary?
- 9) Is the property in a P.U.D.?
 - a) If yes, was plat recorded for the original P.U.D.?
- 10) Is this a Major Amendment to a P.U.D.?
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? **N/A**

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Westervelt "absent") to **APPROVE** the Plat Waiver for Z-6606 as recommended by staff.

Continued Zoning Public Hearings:

PUD-575-1 - Neal Harton

(PD-15) (CD-8)

Southeast corner East 76th Street and South Mingo Road

TMAPC COMMENTS:

Mr. Boyle stated that the applicant has requested a continuance to February 24th, 1999.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") for a **CONTINUANCE** for PUD-575-1 to February 24, 1999 at 1:30 p.m.

Z-6673-SP-1 - Ted Sack

(PD-18) (CD-8)

6336 South 105th East Avenue
(Corridor Site Plan)

Staff Recommendation:

Mr. Stump stated that the applicant has requested a continuance to February 10, 1999. He explained that the applicant will have to go before the Board of Adjustment for variances.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **CONTINUE** the Corridor Site Plan for Z-6673-SP-1 to February 10, 1999 at 1:30 p.m.

* * * * *

PUD-603/Z-6579-1 - William Jones/Roy D. Johnsen

CO to PUD

Southwest corner East 98th Street South and South Memorial
(PUD and Corridor Site Plan)

Mr. Ledford announced that he will be abstaining.

Staff Recommendation:

The PUD-306/Corridor Site Plan proposes retail and office uses on ten acres located at the southwest corner of East 98th Street South and South Memorial Drive. The subject tract has approximately 800 feet of frontage on Memorial Drive and 580 feet of frontage on 98th Street South. The depth of the property, measured from the Memorial right-of-way, varies from 440 feet to 525 feet.

The subject tract is zoned CO. There is vacant CO-zoned property and an automobile dealership to the east across Memorial. There is vacant RS-1-zoned property to the north across 98th Street and vacant CO property abuts the tract on the south. The westerly boundary of the site abuts Audubon Park (PUD-554), a single-family subdivision presently under construction and platted with lots backing to the site with no connecting access.

The PUD proposes approximately 6.8 acres of commercial use and approximately 3.5 acres of office use. Four Development Areas are proposed. Development Area A (2.66 acres), at the northeast corner of the tract, is proposed for commercial uses. Development Area B (1.26 acres), just to the south of Area A, is proposed for automotive-related uses. Development Area C (3.43 acres) at the northwest corner of the tract is proposed for office use. Development Area D (2.51 acres) is located to the south of Area B and is proposed for an automobile dealership. It is proposed that provisions be included to permit transfer of the initial allocation of permitted floor area and to permit subsequent adjustment of lot boundaries.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-603/Z-6579-SP-1 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-603/Z-6579-SP-1 subject to the following conditions:

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

2. Development Standards:

DEVELOPMENT AREA A

Net Land Area:	115,869.6 SF	2.66 acres
Permitted Uses:	As permitted by right within a CS district but excluding Use Unit 12 A.	
Maximum Floor Area:	35,000 SF	
Maximum Building Coverage per Lot:	30%	
Maximum Building Height:	two stories	
Minimum Building Setbacks:		
From Memorial right-of-way	60 FT	
From centerline of 98 th Street	80 FT	
From other boundary	10 FT	
Minimum Lot Frontage on Memorial Drive:	150 FT	
Minimum Lot Frontage on 98 th Street:	50 FT	
Minimum Landscaped Area:	10% of net lot area	
Signs:	One ground sign is permitted in the Development Area, which shall not exceed 25 feet in height nor 200 square feet of display surface area. Wall signs shall comply with Section 1103.B.2 of the Zoning Code.	

DEVELOPMENT AREA B

Net Land Area:	54,885.5 SF	1.26 acres
Permitted Uses:	As permitted by right within a CS district, excluding Use Unit 12 A, and including drive-in restaurant, auto wash and lubrication service.	
Maximum Floor Area:		12,000 SF
Maximum Building Coverage per Lot:		30%
Maximum Building Height:		two stories
Minimum Building Setbacks:		
From Memorial right-of-way		60 FT
From other boundaries		10 FT
Minimum Lot Frontage on Memorial Drive		100 FT
Minimum Landscaped Area:		10% of net lot area
Signs:	Wall signs shall comply with Section 1103.B.2 of the Zoning Code. One ground sign is permitted per lot none of which shall exceed 25 feet in height nor one square foot of display surface area per lineal foot of street frontage.	

Development Area C

Net Land Area:	149,410.8 SF	3.43 acres
Permitted Uses:	As permitted by right within an OM District.	

customarily accessory thereto. No outside repair or service of vehicles nor storage of vehicles under repair is permitted.

Maximum Building Floor Area:	12,500 SF
Minimum Lot Frontage on Memorial Drive	150 FT
Maximum Building Coverage Per Lot:	30%
Minimum Building Setbacks:	
From Memorial right-of-way	60 FT
From west boundary	150 FT
From north boundary	40 FT
From south boundary	40 FT
Maximum Building Height:	35 FT
Minimum Access Drive Setbacks:	
From abutting residential district	33 FT
Minimum Off-Street Parking Setbacks:	
From abutting residential district	15 Ft
Bulk Trash Container Setbacks:	
From abutting residential district	100 FT

Signs:

One ground sign is permitted in the Development Area, which shall not exceed 25 feet in height nor 250 square feet of display surface area. Wall signs shall comply with the requirements of Section 1103.B.2 of the Zoning Code but there shall be no wall signs allowed on the west-facing walls of building within 200 feet of the west boundary of the Development Area.

Minimum Landscaped Area:

10% of net lot area

3. The principal access to all development in the PUD shall be from a corridor collector street and each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements that are directed toward East 98th Street South unless a variance of Section 804 of the Zoning Code is obtained from the Board of Adjustment. East 98th Street South shall be constructed to City-approved standards and dedicated as a public street at the request of the City. All lots must abut a public street. There shall be a maximum of three access points onto East 98th Street South and three access points onto South Memorial Drive. The southernmost access point on Memorial shall be mutually accessible from Development Area D and the adjoining undeveloped tract to the south.
4. A landscaped area of not less than 15 feet in width, heavily planted with trees, shall be located along the westerly boundary of the PUD adjoining the residential district. ~~There shall be a six-foot screening wall beginning at the northeast corner of Lot 17, Block 4, Audubon Park and extending southerly along the west boundary of the PUD which would include all of the west boundary of Development Area D.~~ A six-foot screening wall or fence shall be located along the remainder of the west boundary of ~~Development Area G~~ the PUD. ~~Screening walls shall consist of masonry construction using brick, stone, stucco or concrete tilt-up panels. Metal or standard (smooth) concrete block screening walls are not permitted. TMAPC shall review and approve the landscaping, wall and fence design. No occupancy permit for any use on a lot within the PUD shall be issued until a TMAPC approved screening wall or fence along the entire western boundary of the PUD is constructed. The screening fence shall be a consistent six-foot cedar wood fence and erected no later than April 1, 1999.~~ Landscaping throughout the project shall meet the requirements of the Landscape Chapter of the Tulsa Zoning Code.
5. If a Development Area is subdivided, uses and intensities of uses, access and development standards shall be established by Minor Amendment.
6. 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.
7. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for 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.

8. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
10. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height, and within 150 feet of the west boundary of the PUD, no such lights shall exceed 12 feet in height. All such lights shall be set back at least 75 feet from a residential lot.
11. The Department 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.
12. No building permit shall be issued until the requirements of Section 1170F 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.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
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, truck-trailers or containers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers or outside containers shall not be used for storage.
16. An external public address or pager/speaker system shall be prohibited.

TMAPC COMMENTS:

In response to Ms. Hill, Mr. Stump stated that a normal screening fence that meets the requirements of the Code is not see-through. He explained that chain link with slats is not permitted as a screening fence. The fence has to be made of customary fencing materials or a wall (masonry concrete), and the most common is a wood privacy fence.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th Street, Suite 501, Tulsa, Oklahoma 74103, stated that the subject property involves approximately ten acres. He indicated that he met with the adjacent property owners (Audubon Park) and discussed the screening fence. The neighbors were concerned with the timing of the installation and consistency. He indicated that the neighborhood suggested that the screening along the entire west boundary be a consistent six-foot wood fence, as opposed to part masonry and part wood.

Mr. Johnsen stated that a dealership is sometimes perceived as an intense use, but in this instance, the building is 150 feet from the west boundary, which is a substantial setback. He explained that staff has imposed landscaping requirements and restrictive lighting requirements. The western part of the dealership property will be fairly low activity and staff's recommendation is acceptable.

Mr. Johnsen stated that the neighborhood would like the screening fence to be constructed in a timely fashion or all at once. The adjacent neighborhood is currently under development and its developers would like the fence to be up in a timely fashion. Mr. Johnsen indicated that he agreed with the request of the neighborhood. He requested a modification to the staff's recommendation in regard to screening. He suggested that the required screening be a six-foot screening fence, meeting the Zoning Code requirements and be of consistent design and materials the length of the west boundary. He further suggested that there be a condition that the fence be installed no later than April 1, 1999. He explained that normally the screening fence is not required to be installed until occupancy. Mr. Johnsen indicated that his client accepts the conditions requested by the adjacent neighborhood regarding the screening fence.

TMAPC COMMENTS:

Ms. Pace asked the applicant if the dealership intends to make use of the outside speakers to communicate with the workers. In response, Mr. Johnsen stated that his client agreed with staff that the speaker system would be prohibited.

Ms. Pace asked the applicant why he couldn't reach a compromise to complete the entire fence with part concrete and part wood. She asked Mr. Johnsen if the fencing issue was a cost factor. In response, Mr. Johnsen stated that cost is part of the issue, but his client really has focused on what the developers to the west thought were appropriate and reasonable. Mr. Johnsen stated that there will be landscaping on the inside of the subject property and this has been discussed with the adjacent property owners.

Mr. Midget stated that if the neighborhood is in agreement with the applicant regarding the fence, the Planning Commission should not impose a monetary hardship on the applicant. Mr. Midget asked Mr. Johnsen if he is satisfied with the staff recommendation except for the amendment that has been discussed in reference to the

screening fence height. In response, Mr. Johnsen stated he agrees with the staff recommendation with the modification discussed.

Interested Parties:

Don Walker, 7225 South 85th East Avenue, Tulsa, Oklahoma 74133, stated he is the developer of Audubon Park and has met with Mr. Johnsen and the developers of the subject property. He commented that he appreciates Ms. Pace's sensitivity toward the fact that masonry columns and wood fencing would be plus compared to a solid wood fence. He explained that he would rather have a consistent fence all along the west line.

Mr. Walker concluded that he concurs with the application at it stands and the recommendation of the staff.

TMAPC COMMENTS:

Mr. Boyle expressed his gratitude for the neighboring developer working on a solution with Mr. Johnsen regarding the fence.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-1** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Westervelt "absent") to recommend **APPROVAL** of the PUD and Corridor Site Plan for PUD-603/Z-6579-SP-1 as recommended by staff and amended by the applicant.

Legal Description for PUD-603/Z-6579-SP-1:

The property is described as a tract of land located in the E/2, SE/4, Section 23, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the official U. S. Government survey thereof, being more particularly described as follows: commencing from the Southeast corner of Section 23; thence N 00°07'43" E along the Easterly line of the SE/4 of Section 23, a distance of 826.36'; thence N 89°57'22" W a distance of 110.00' to the Westerly right-of-way of South Memorial Drive a point that is 110.00' measured perpendicular from the Easterly line of the SE/4 of Section 23 the Point of Beginning; thence continuing N 89°57'22" W a distance of 441.41' to the East line of Audubon Park, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the official recorded Plat thereof, thence N 00°05'16" E along the East line of Audubon Park a distance of 495.74' to the Northeast corner of Lot 13, Block 4, Audubon Park; thence N 89°57'48" W along the North line of Lot 13, Block 4, Audubon Park a distance of 84.32' to the Southeast corner of Lot 12, Block 4, Audubon Park; thence N 00°05'16" E along the East line of Audubon Park a distance of 573.38' to the Northeast corner of Audubon Park also being a point of the centerline of East 98th Street South, a private street; thence S 60°47'52" E along the centerline of East 98th Street South, a private street a distance of 444.13'; thence along the centerline of East 98th Street South, a private street and along a curve to the left with a central angle of 17°29'29" a radius of 450.00' and an arc length of 137.38' to the Westerly right-of-way of South Memorial Drive also being a point 120.00' measured perpendicular from the Easterly line of the SE/4 of Section 23; thence S 00°07'43" W along the Westerly right-

of-way of South Memorial Drive and along a line that is 120.00' measured perpendicular from the Easterly line of the SE/4 of Section 23 a distance of 208.93'; thence S 05°34'04" E along the Westerly right-of-way of South Memorial Drive a distance of 100.75' to a point that is 110.00' measured perpendicular from the Easterly line of the SE/4 of Section 23; thence S 00°07'43" W along the Westerly right-of-way of South Memorial Drive and along a line that is 110.00' measured perpendicular from the Easterly line of the SE/4 of Section 23 a distance of 495.80' to the Point of Beginning, containing 10.1399 acres.

ZONING PUBLIC HEARING

PUD-562-1 - Ricky Jones

(PD-18) (CD-8)

North of northeast corner East 81st Street and South Memorial
(Minor Amendment)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to allow west-facing second story gables containing usable floor area within 50 feet of the east boundary of the PUD abutting a single-family residential area. The units are part of a 157-unit apartment complex under construction. The original approval set a 25-foot building line from the east property boundary and allowed only one-story buildings in an area from 25 feet to 50 feet from the east boundary of the PUD.

The applicant has represented to staff that two units of the five that abut the single-family residential dwellings to the east will have loft or attic floor area. During a site visit, staff observed that the two units in question have second-story dormers with windows on the west-facing elevations of the buildings. The dormers are not visible from the single-family dwellings to the east. No dormers or roof gables with windows were observed on the east-facing building walls. Framing and exterior wall sheathing had been installed at the time of the staff site visit.

The applicant represented to staff that approved building plans were not illegally modified to include a second story not permitted within the 50-foot setback line. Rather, the architect used the BOCA definition of two-story as excluding attic or loft spaces. The Tulsa Zoning Code, however, includes usable attic or loft spaces as constituting a second story.

Staff has examined the request and is of the opinion that the spirit and intent of the original approval to protect and minimize negative impacts to abutting single-family dwellings will be maintained. Staff, however, notes that usable second floor spaces within a one-story building roof do, in fact, constitute a second story as defined in the Zoning Code.

Staff, therefore, recommends **APPROVAL** of PUD 562-1 subject to the following condition:

Only one loft unit will be permitted in *Building 10* and one loft unit in *Building 11* within the one-story building setback area as depicted in the west-facing elevations and site plan submitted. No dormers or dormers with windows serving the loft areas of any units in *Building 10* or *Building 11* will be allowed on the east-facing one-story roof structures.

The applicant indicated his agreement with the staff recommendation.

Interested Parties:

Orval Meyer, 7846 South 85th East Avenue, Tulsa, Oklahoma 74133, stated that his backyard abuts the subject property. He commented that he does not have any major objections to the application.

Mr. Meyer asked the Planning Commission about the procedure of permitting construction. He explained that he observed the second story structure being built in December and made phone calls because it seemed in violation of the prior approval. He stated that he was told that the Building Inspector would review and decide if the construction was in violation and possibly halt the construction. He indicated that the developer has the construction completed, including the shingles on the roof. Mr. Meyer concluded by asking if this is the proper way to proceed or should the developer request the approval before constructing.

TMAPC COMMENTS:

Mr. Boyle stated that the developer should have requested an approval before proceeding with construction. In response, Mr. Stump stated that the Building Inspector would have detected the violation and halted construction until approval from the TMAPC.

Applicant's Rebuttal:

Ricky Jones, Tanner Consulting, 2202 East 49th Street, Tulsa, Oklahoma 74105, stated that an interested party called the architect of the subject project. He explained that once it was discovered that there was a problem, he filed an application with the TMAPC immediately. He commented that to his knowledge the City of Tulsa never stopped the construction of the complex, but he did advise the developer that any further development would be at his own risk.

Mr. Jones stated that he has reviewed the staff recommendation and he is in agreement. He indicated that there are no dormers or windows facing the east (interested parties windows), but there are windows that face the west and face internal to the project.

TMAPC COMMENTS:

Mr. Boyle stated that he takes a dim view of people who develop without authorization. He requested Mr. Jones to convey the Planning Commission's displeasure with the construction taking place without proper authorization. Mr. Jones assured Mr. Boyle that he would inform the developer of the Planning Commission's displeasure.

Mr. Jones stated that, as a previous staff member, he agrees with Mr. Boyle's view regarding development without proper authorization. He explained that in this instance, the developer was never ordered to cease and desist. Mr. Jones concluded that the minor amendment does meet the spirit and intent of the PUD.

Mr. Meyer stated that he feels that the developer has done a good job, but did have concerns with the procedures.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Dick, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to recommend **APPROVAL** of the Minor Amendment for **PUD-562-1** subject to conditions as recommended by staff.

* * * * *

PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENTS:

Review of Housekeeping Amendments as part of the Comprehensive Plan for the Tulsa Metropolitan Area:

Staff Recommendation:

Ms. Matthews stated that there are the annual housekeeping amendments based on mostly zoning cases. She reminded the Planning Commission that a few years ago the Planning Commission updated the District 25 Plan and changed a large area of medium intensity industrial to an industrial special district. The changes proposed for the District 24 Plan will line up the area north of the previously-amended area.

TMAPC COMMENTS:

Mr. Boyle asked Ms. Matthews if the effort for the housekeeping amendments is to capture all of the changes throughout the year. Ms. Matthews stated that the amendments represent approximately a year and a half. Ms. Matthews indicated that there will more housekeeping amendments in the near future.

Mr. Boyle asked Mr. Ledford if the Comprehensive Plan Committee took any action regarding the housekeeping amendments. In response, Mr. Ledford stated that the committee reviewed the amendments earlier today and approved them as submitted by staff.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Housekeeping Amendments as part of the Comprehensive Plan for the Tulsa Metropolitan Area as submitted by staff.

* * * * *

OTHER BUSINESS:

PUD-206/AC-045 - James Boswell

(PD-18) (CD-8)

Southwest corner East 91st Street and South Sheridan
(Detail Site plan and Alternative Landscape Compliance)

PUD-206 Staff Recommendation:

The applicant is proposing an 18-month extension of the timeframe and an enlargement of a temporary drive-through bank facility in Development Area A. A temporary building (1-year) and associated landscaping were previously approved for Boatman's Bank in 1997 and NationsBank in 1998 on Lot 1, Block 1, Boatman's Addition. The current Site Plan being submitted is a modification of the plan for the temporary facility approved for Boatman's on January 15, 1997, which also received a one-year extension for NationsBank on February 4, 1998. The 1998 approval was conditioned on building the permanent structure with associated landscaping and removing the temporary facility and drive-through lanes by February 4, 1999.

The original Boatman's Site Plan for the permanent structure and landscaping was approved in 1995. The temporary facility was built by Boatman's but purchased by NationsBank before being utilized. The 1998 approval for the use of a temporary building on the southern portion of the site resulted in the construction and use of a 240 SF drive-up facility. With the merger of NationsBank and Bank America Corporation into Bank of America, an 18-month extension of the temporary site usage is being requested. The site is also being modified to enlarge and reposition the temporary building to 902 SF to accommodate full lobby services.

The current application includes two drive-through lanes, ATM and five parking spaces. The applicant is requesting approval for use of the temporary building, ATM, drive-through lanes and parking for a maximum of eighteen months. A letter from Nations/Bank of America implies the new temporary facility would be replaced by a permanent bank facility, but specifies no timeframe or likelihood of such a permanent use of the site. Staff again notes that TMAPC approved a Detail Site Plan for Boatman's in 1995. The facility was never built in the ensuing four years of acquisitions and mergers. The applicant is also requesting approval of a temporary landscape plan as an Alternative Compliance (AC-045).

Although the temporary structure conforms to the requirements set forth in the previously-approved temporary site plans, staff is of the opinion that removing the current temporary facility and adding a more "permanent" temporary facility is counter to the intent and purposes of the PUD Chapter. Staff believes that two prior extensions of the temporary banking structure should have been sufficient to develop and construct a permanent facility. Although staff can understand the chain of new ownerships as an Amended Detail Site Plan mitigating factor in requesting a third extension, other temporary bank sites recently receiving TMAPC approval resulted in permanent facilities being completed in less than 18 months.

Staff, therefore, recommends **DENIAL** of the Amended Detail Site Plan. Staff believes the temporary facility is not in keeping with other development in the PUD. A larger temporary facility is more likely to forestall construction of a permanent bank.

In the alternative, staff recommends **APPROVAL** of a one-year extension of the current temporary building conditioned upon the removal of the building by January 20, 2000. Staff believes the one-year extension should allow sufficient time to develop a permanent facility on the site, in light of the fact of the past two approvals for temporary use of the site.

NOTE: An Amended Site Plan does not constitute a fully developed Detail Landscape or Sign Plan.

AND

AC-045 Staff Recommendation:

The applicant is proposing the installation of minimal landscaping around a revised and enlarged temporary bank and drive-through facility (Amended Detail Site Plan, PUD-206). Staff cannot support this modification.

The request for Alternative Compliance is related to an Amended Site Plan application seeking approval for a temporary drive-through facility (see previous agenda item). An identical request for a similar use was approved for NationsBank in 1998 with an expiration of February 4, 1999. The current request modifies the site by repositioning the building and a portion of the existing landscaping approved by AC-030.

Although the temporary landscaping conforms to past approvals (AC-10, AC-30) for the temporary use of the site while a permanent facility was to be developed, staff is of the opinion that the current 204 SF drive-through facility and temporary landscaping are sufficient to operate the bank for one-year until a permanent bank is constructed.

Staff, therefore, recommends **DENIAL** of the request for Alternative Landscape Compliance.

Staff Comments:

Mr. Stump stated that since 1995, there has been a site plan for a permanent bank on the subject location approved. The applicant has not attempted to construct or develop this property. Staff feels that putting a larger mobile home on the subject site than the current mobile home as a temporary bank facility will detract from the area and encourage to continue with a temporary facility. He stated that the original approval was for one year and now it has been close to three years. Mr. Stump stated that staff's philosophy is either retain the current mobile home for the temporary facility or build the permanent facility.

Mr. Boyle asked if the extension is for one year and at the end of that year the applicant would have to remove the mobile home facility.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Towers, Tulsa, Oklahoma 74103, stated that he represents NationsBank and James Boswell, the architect of the subject project. Mr. Norman explained that over the years there have been several mergers with this bank facility. He stated that it is inappropriate to be referred to by staff as "gone on too long" because there are some circumstances that should be considered to justify this request.

Mr. Norman stated that the subject property was purchased by Boatmen's Bank and then they merged with NationsBank. He explained that NationsBank is questioning if South Sheridan is the appropriate place for the proposed branch. He stated that in order to maintain a branch banking right, one has to have the ability to receive deposits and cash checks on-site. He commented that due to the recent mergers there have been branch sites that had to be reorganized and relocated because of the overlaps that occurred in the course of the mergers.

Mr. Norman stated that NationsBank has purchased another site on South Yale (93rd and Yale) and NationsBank has determined that the best location is on Yale rather than Sheridan because of the access to the Creek Turnpike. He indicated that there are plans being prepared for the construction for the new facility on 93rd and Yale by NationsBank. The bids will open for construction in March 1999 and construction is planned to start in early April 1999. It will take eight to ten months to build a full facility at the 93rd and Yale location. The bank has explored the possibility of installing a temporary facility at 93rd and Yale, but the site is too narrow and shallow from the right-of-way and the new bank location to allow the temporary facility.

Mr. Norman stated that the temporary facility presently on the site is proposed to relocate as shown on the site plan. The new facility will be 900 SF and will permit walk-in services. The present facility is only 250 SF and there is no ability to provide any services except a drive-through lane. He explained that once the new facility is in place, the current facility will be removed and screened as proposed for a period of 14 months.

Mr. Norman indicated that the proposal for the landscaping is to add some landscaping materials that are not presently planted. He stated that the bank officials apologize for making this type of request, but they hope that the Planning Commission will see as justification to have the opportunity to build at the alternate location.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Norman if he would be willing to accept a condition that if the Planning Commission granted another 14 months that there would not be any further extensions granted. In response, Mr. Norman answered affirmatively.

Mr. Midget stated that he understands that the applicant is not going to build the bank at the subject location, but will be built at 93rd and Yale. In response, Mr. Norman stated that there will not be a NationsBank or Bank America on the subject location.

Mr. Boyle informed Mr. Norman that he has no problem with the 14 month extension; however, it will not be extended and if the applicant sells the subject property to another bank, it will need to be clear that the Planning Commission will not extend the time for the temporary facility.

Ms. Hill asked Mr. Norman what would happen if there is another bank merger in regard with the time of construction. Mr. Norman stated that the merger of NationsBank and Bank America will not be completed by mid-summer and the new facility at 93rd and Yale should be well under construction.

Mr. Carnes stated that he supports the staff's recommendation.

Ms. Pace stated that the condition is being placed on the subject PUD and there will be no additional extensions after the 14 months requested. She commented that the Planning Commission would not be encumbering a bank, but encumbering a PUD.

Mr. Norman stated that the construction is anticipated to take up to eight months and should start by the first of May. He pointed out that the current structure will not be totally inconsistent with the car wash and automobile service across the street. He commented that the temporary facility is not detrimental to the streetscape at this time.

Mr. Harmon stated that he would be inclined to support the staff's recommendation for a 12-month limitation.

Mr. Horner stated that he will support the applicant's request. He explained that weather conditions can cause a delay and the applicant would need the extra two months he is requesting rather than the 12 months staff has recommended.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-3-0** (Boyle, Dick, Horner, Jackson, Ledford, Midget, Pace "aye"; Carnes, Harmon, Hill "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Detail Site Plan for PUD-206 for the applicant's request of a 14 month extension with no further extensions.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Westervelt "absent") to **APPROVE** the Alternative Landscape Compliance for AC-045 for the 14 month extension with no further extensions.

* * * * *

PUD-578 - Michael Mowery

(PD-26) (CD-8)

Northwest corner of South Memorial Drive and East 111th Street South
(Detail Site Plan)

Mr. Ledford announced that he would be abstaining.

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 5,611 square foot single-story bank building with ten drive-through lanes on a 1.35 acre tract within Development Area A.

Staff has examined the Detail Site Plan and finds conformance to the approved outline development standards contained in the original approval including bulk and area, building square footage, setback, height, parking, access, mutual access, screening and total landscaped area.

Staff notes that access points along East 111th Street conform to standards approved by the Tulsa Traffic Engineer and are reflected in the Draft Final Plat received by TMAPC on January 8.

Staff, therefore, recommends **APPROVAL** the Detail Site Plan for PUD-578, Development Area A, as submitted.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

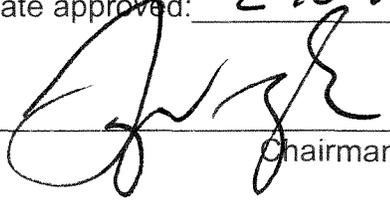
Applicant has indicated his agreement with staff's recommendation.

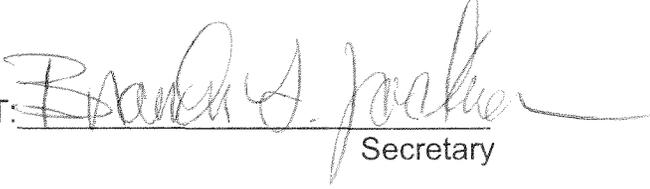
There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HILL**, the TMAPC voted **9-0-1** (Boyle, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Westervelt "absent") to **APPROVE** the Detail Site Plan for PUD-578 as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:35 p.m.

Date approved: 2-10-99

Chairman

ATTEST: 
Secretary

