

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2368

Wednesday, February 4, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Bayles	Alberty	Romig, Legal
Coutant	Hill	Chronister	
Harmon	Horner	Dunlap	
Jackson	Miller	Fernandez	
Ledford	Westervelt	Huntsinger	
Midget		Matthews	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, February 3, 2004 at 8:20 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of January 7, 2004, Meeting No. 2365

On **MOTION** of **CARNES**, the TMAPC voted 5-0-1 (Carnes, Coutant, Harmon, Jackson, Midget "aye"; no "nays"; Ledford "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the minutes of the meeting of January 7, 2004, Meeting No. 2365.

REPORTS:

Worksession Report:

Mr. Jackson reported that there was a worksession last week and the items will be brought to the Planning Commission.

Director's Report:

Mr. Alberty reported that the City Council had a second reading on the Sexually Oriented Business amendments regarding the spacing. The second reading has been delayed in order to allow staff to perform a study on the secondary effects. The Legal Department believes this would be needed in order to back up the proposed spacing requirements. He indicated that this would be at the City Council Committee meeting on Tuesday, February 10, 2004.

Mr. Dunlap announced that Z-6928, Item No. 12 has been withdrawn by the applicant.

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SUBDIVISIONS:

**LOT-SPLITS FOR WAIVER OF SUBDIVISION
REGULATIONS:**

L-19516 – Tanner Consulting (8322)

(PD 18) (CD 3)

9505 South Canton

STAFF RECOMMENDATION:

The applicant desires to split the subject tract into three parcels. All three resulting tracts meet the RS-1 bulk and area requirements, and the water line has been extended to satisfy Public Works Department requirements. A waiver of the Subdivision Regulations is being requested because Tracts A and B would have more than three side lot lines.

The Technical Advisory Committee had concerns regarding the 100' utility easement; however, PSO had no objections to the lot-split application. Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the lot-split for waiver of Subdivision Regulations and of the lot-split for L-19516 per staff recommendation.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-19482 – Jimmy Lindsay</u> (7408)	(PD 19) (County)
11503 East 136 th Street	
<u>L-19617 – James Ferris</u> (8328)	(PD 26) (CD 8)
3707 East 107 th Street	
<u>L-19625 – Gerry Thames</u> (9218)	(PD 23) (County)
2204 South 65 th West Avenue	
<u>L-19628 – Bill Coleman</u> (7330)	(PD 21) (County)
1406 East 163 rd Place	
<u>L-19637 – Wayne Haynes</u> (6303)	(PD 20) (County)
6431 East 186 th Street	
<u>L-19643 – Sisemore Weisz and Associates</u> (9329)	(PD 6) (CD 9)
4704 South Gary	
<u>L-19644 – Sisemore Weisz and Associates</u> (9329)	(PD 6) (CD 9)
4712 South Gary	
<u>L-19646 – Kyle Brierly</u> (8309)	(PD 18) (CD 8)
7430 South Marion Avenue	
<u>L-19647 – Tulsa Development Authority</u> (0225)	(PD 2) (CD 1)
220 East Seminole Place	
<u>L-19648 – Blas Gaytan</u> (0406)	(PD 15) (County)
Southeast corner East 61 st Street North and Mingo Road	
<u>L-19649 – Sack and Associates</u> (9419)	(PD 17) (CD 5)
North of northeast corner East 41 st Street and 103 rd East Avenue	
<u>L-19651 – Harold Cook</u> (9330)	(PD 6) (CD 9)
4476 Oak Road	

STAFF RECOMMENDATION:

Ms. Chronister stated that these lot-splits are in order and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Carnes, Coutant, Harmon, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

Mr. Ledford announced that he would be abstaining from the following item:

PRELIMINARY PLAT:

Camp Shalom Amended II – OM, PUD 287, PUD 307 (PD 18) (CD 2)
(8306)

East 71st Street South and South Wheeling Avenue

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 26.75 acres.

The following issues were discussed January 15, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OM, PUD 287 and PUD 307. The cul-de-sac in existence is longer than the subdivision regulations allow, even when it is shortened, as proposed. PUD standards must be met. This is a re-subdivision of Camp Shalom Amended.
2. **Streets:** Lot dimensions must be shown correctly. Traffic Engineering needs a written request for approval for removal of street. The right-of-way/easement needs to be vacated (Steve Bolding 596-9649). Include the metes and bound description of vacated right-of-way.
3. **Sewer:** No comment.
4. **Water:** List book and page for water lines.
5. **Storm Drainage:** An overland drainage easement and additional storm sewer easements may be needed. Add the south boundary line of Joe Creek FEMA floodplain in northwest corner. Add book and page number to existing easements. Label existing easements with book and page numbers. Show proposed and existing easements and additional lines in the cul-de-sac.

6. **Utilities:** No comments.
7. **Other: Fire:** Not represented.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. The cul-de-sac will be shortened from the existing cul-de-sac length, but technically is still longer than the subdivision regulations allow.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.

9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

TMAPC COMMENTS:

Mr. Harmon asked staff the length of the cul-de-sac. In response, Mrs. Fernandez stated that it is approximately 800 feet, but she is not certain what that number. Mr. Harmon stated that the report leads the Planning Commission to believe that this is marginally out of compliance, but if it is significantly out of compliance, the Planning Commission should be informed. Mrs. Fernandez stated that the standard cul-de-sac is 500 feet.

Applicant's Comments:

Jerry Ledford, Jr., Tulsa Engineering and Planning, 6737 South 85th East Avenue, Tulsa, Oklahoma 74133, stated that South Utica Place is an existing street and it serves the South Utica subdivision. There are existing properties that abut this street as it exists today. It has been in existence 30 or 40 years and this proposal would pull the cul-de-sac back in the future, which will actually shorten it. There are offices that utilize the street that are not a part of the subject plat.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Ledford what the length of the cul-de-sac will be when it is redesigned. In response, Mr. Ledford stated that it would be approximately 900 feet. He explained that it has been in existence for a long time and it must have had a previous subdivision waiver to allow the existing street.

Mr. Dunlap stated that the cul-de-sac exists today and it has been platted with buildings on it. The cul-de-sac will be shorter with this replat. Part of this existing PUD was abandoned and attached to the Camp Shalom site, which would require this cul-de-sac and street to be shortened. Although, it is longer than the standard, it will be shorter than it currently exists.

Mrs. Fernandez stated that the TAC Committee did discuss the length of the cul-de-sac and did not have any concerns because it would be shortened.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES** TMAPC voted 5-0-1 (Carnes, Coutant, Harmon, Jackson, Midget "aye"; no "nays"; Ledford "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the preliminary plat and waiver of Subdivision Regulations for the cul-de-sac length for Camp Shalom Amended II, subject to the special conditions and standard conditions as recommended by staff.

Gary Place Addition – RS-1, PUD 591A (9329)

(PD 6) (CD 9)

South of the Southwest corner of East 47th Street South and South Gary Avenue

STAFF RECOMMENDATION:

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

The following issues were discussed January 15, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-1, PUD 591-A. Show proper setbacks. Check on the lot widths and livability space, especially, per the PUD requirements. Show these and square footages of lots. Show the easement for the fence more clearly.
2. **Streets:** No comment.
3. **Sewer:** The west boundary lines of the plat have a gap between the existing ten-foot easement and the proposed eleven-foot utility easement. Fill in the gap or provide 17.5-foot perimeter easement on the west side. Along the east property line the floodplain elevation needs to be labeled along with the three-foot dimension. It is too confusing with them separated. In the covenants include language in Section G, Reserve A and utility easement, dedicating it as a utility easement for public utilities. If not, then provide a 15-foot sanitary sewer easement where the proposed sewer line crossed Reserve A. On the conceptual plan, an additional easement will be required between Manhole A and Manhole 1. The proposed line will be DIP. See SSID and PFPI comments.
4. **Water:** In Reserve Area B and utility easement request a ten-foot water easement. See WMEC and PFPI comments.

5. **Storm Drainage:** Show specific location of stormwater detention facility. Caution should be used if utilities are installed near the retaining wall. On the face of the plat, Reserve B is for detention only. No utility easement can be allowed in this reserve or through or under the retaining wall. Public water flowing onto site from Gary Place must be conveyed in easements. In the covenants in Section 1H, remove the utility easement from the title and remove the reference to utility easement within the verbiage in H 1-6.
6. **Utilities:** No comment.
7. **Other:** Place arrows and line leaders from the utility easement callouts to the appropriate lanes for clarity. Show parking and driveways. **Fire:** Not present. Hydrants may be required.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER** TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the preliminary plat for Gary Place Addition subject to special condition and standard condition per staff recommendation.

Oxford Park Phase 2 – RS-3 (9426)

(PD 17) (CD 6)

West of Lynn Lane, North of East 51st Street

STAFF RECOMMENDATION:

This plat consists of 72 lots, six blocks, three reserve areas on 34 acres.

The following issues were discussed January 15, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3. Tie streets at proper grades to original Oxford Park Addition.
2. **Streets:** Show point of beginning and eliminate short tangent between curves on 169th East Avenue. Confirm tie with proposed 48th Street stub. Show minor lot dimensions.
3. **Sewer:** There is a \$700 per acre system development fee to be collected for the City of Broken Arrow. Staff needs confirmation from the City of Broken Arrow as accepting the additional flow from Tulsa. Reserve areas are defined as utility easements on the face of the plat. The Conceptual Plan has the sanitary sewer line between Manhole A and Manhole 1. In Reserve B, either include the utility easement with Reserve B on face of plat, or provide a 15-foot sanitary sewer easement for this line.
4. **Water:** The plat needs to extend the 15-foot utility easement on the south side of 15th Street to west property line. In Reserve A, extend the 15-foot utility easement on the south side of 48th east to Oxford Park. In the covenants, include the language for water and sewer in the reserve area. In Section 1B, change to utility services. A water line needs to be looped. There are design issues that need to be handled on the conceptual plan.
5. **Storm Drainage:** In Reserve A, show and label Adams Creek Tulsa Regulatory Floodplain. Floodplain plus additional 20 feet above the 100 year Water Surface Elevation must be inside the reserve area. Show floodplain modifications on the face of the preliminary plat. Overland drainage easements, stormwater detention easements and compensatory storage easement boundaries must be shown on the plat with bearings and distances. The covenants need to include detention and compensatory storage language.
6. **Utilities: Valor:** More easements are needed. The reserve needs to go to the homeowners' association. **PSO:** More easements are needed. **Cox Cable:** More easements are needed.
7. **Other: Fire:** Not present.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the preliminary plat for Oxford Park Phase 2, subject to special conditions and standard conditions per staff recommendation.

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Riverfield Country Day School II – PUD 375 B (9234)

(PD 8) (CD 2)

2433 West 61st Street South

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 88 acres.

The following issues were discussed January 15, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 375 B. Make sure setbacks are shown per the PUD. All PUD standards must be met. (TMAPC had approved a major amendment, PUD 375 B, with a modification that Tracts B and C shall not be allowed access to the two stub streets in Woodview Heights if developed as multifamily, office or school uses, except for emergency access that shall be a fixed crash gate.)
2. **Streets:** The 58th Street stub may require a cul-de-sac or a waiver. On the conceptual plans redesign the main entry to increase its capacity. Future development of multifamily may require a collector street and residential may require replatting with a public street system. In covenants in Section I A, add language for public streets.

3. **Sewer:** No taps will be allowed on the 15-inch line. The conceptual plan shows a sanitary sewer main extension into Development Area A. At a minimum, a 15-foot wide sanitary sewer easement needs to be added to the plat. Also, the conceptual plan shows a proposed water line encroaching into the existing 20-foot sanitary sewer easement. Water lines cannot be put in a sewer easement.
4. **Water:** Move water line from sewer easement. There are possible conflicts in center of plat. Additional water line easements are needed including an easement for a 36-inch water line.
5. **Storm Drainage:** Label floodplain as "Mooser Creek FEMA floodplain." Drainage easement needs to be an overland drainage easement. The ODE must include entire floodplain plus an additional 20 feet above the 100-year use. If the floodplain is less than or equal to 150 feet wide, then 20 feet must be on both sides. Detention is required. The limits of all easements must be labeled with their distances and bearings. Add detention language to the covenants. Section 1F should be entitled "Overland Drainage Easement". Anywhere the drainage easement is referenced, it should state ODE. ODE is for conveyance and maintenance access to Mooser Creek floodplain. No other use is allowed. A Federal 404 permit is required for all work in the floodplain. The concept plan is unacceptable due to drainage plan not being included.
6. **Utilities: ONG, COX, PSO:** Additional easements are needed.
7. **Other: Fire:** Not present.

Staff recommends **APPROVAL** of the preliminary plat subject to 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.
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The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the preliminary plat for Riverfield Country Day School II, subject to special conditions and standard conditions per staff recommendation.

Mr. Jerry Ledford, Sr. announced that he would be abstaining from this application.

AUTHORIZATION FOR AN ACCELERATED RELEASE OF A BUILDING PERMIT:

PUD 307B – (8306) OM, PUD 287, PUD 307 (PD 18) CD 2)
East 71st Street South and South Wheeling Avenue

STAFF RECOMMENDATION:

This request is for an accelerated building permit for one expansion to the existing facility. This would be to the shell permit phase of development.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations.

The preliminary plat is on the TMAPC agenda before the requested accelerated building permit. The accelerated permit can be considered if the preliminary plat is approved.

The Technical Advisory Committee did not object to the proposal, although there were some questions about drainage from the stormwater department. Staff can recommend **APPROVAL** of the authorization for an accelerated building permit for a shell permit per the attached site plan.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES** TMAPC voted 5-0-1 (Carnes, Coutant, Harmon, Jackson, Midget "aye"; no "nays"; Ledford "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the accelerated release of a building permit for PUD-307-B for a shell permit per the attached site plan as recommended by staff.

PLAT WAIVER:

BOA – 19501 – RS-3 (1393)

(PD 5) (CD 5)

2161 South 91st East Avenue

STAFF RECOMMENDATION:

STAFF RECOMMENDATION:

The platting requirement was triggered by Board of Adjustment action for a church.

Staff provides the following information from TAC at their January 15, 2004 meeting:

ZONING:

TMAPC staff: The plat waiver is for property for a church use.

STREETS:

Recommend a 25-foot corner radius.

SEWER:

Sewer is available.

WATER:

No comment.

STORM DRAIN:

Will require a PFPI. It may be possible to pay fees in lieu of onsite detention.

FIRE:

Not present.

UTILITIES:

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested because the TAC members were favorable to the plat waiver for this previously platted site.

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 R/W?	X	

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

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

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

*Although there will be an easement required with a PFPI for stormwater, staff has no problem with the plat waiver request.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the plat waiver for PUD-19501 per staff recommendation.

* * * * *

PUD 697 – (9307)

(PD 4) (CD 4)

South of East 13th Street South, east of South Utica Avenue

STAFF RECOMMENDATION:

The platting requirement is triggered by rezoning to PUD 697.

Staff provides the following information from TAC at their January 15, 2004 meeting:

ZONING:

TMAPC Staff: The plat waiver is for property for parking for Hillcrest Hospital.

STREETS:

Traffic is better equipped to enter off 13th Street rather than 13th Place. There are differing plan views of the parking layout. A limits-of-no-access is required along Utica.

SEWER:

If an easement does not exist, then a 15-foot sanitary sewer easement will be required (7.5 feet on each side of the existing sewer main).

WATER:

No comment.

STORM DRAIN:

Will require a PFPI. Fees may be paid in lieu of on-site detention.

FIRE:

Not present.

UTILITIES:

No comment.

Staff does not object to the plat waiver for the existing platted property for a parking lot. There are several items to be taken care of, including a limits-of-no-access agreement be filed, and an easement being provided for existing sanitary sewer per the Development Services staff.

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 R/W?	X	

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?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X

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

*PUD 697 Pending

TMAPC COMMENTS:

Mr. Harmon stated that he is concerned with the multiple documents that would be required to accomplish what a plat would accomplish. He asked staff if they were concerned that three separate documents are needed. In response, Mrs. Fernandez stated that there are no concerns because of the use and the sewer is probably available, but have not been located at this time. The consulting engineer has agreed to obtain the easement if it does not exist. The LNA is a

simple form that could be filled out by the engineer and through Traffic Engineering and everyone is comfortable with this request. The subject property had been previously platted and staff saw no need to go forward and replat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES** TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to **APPROVE** the plat waiver for PUD-697 per staff recommendation.

COMPRHENSIVE PLAN PUBLIC HEARING

Consider adoption of the Brady Village Infill Development Design Guidelines, Area Map and Text as amendments to the District One Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area. Resolution No. 2368:859.

STAFF RECOMMENDATION:

Ms. Matthews stated that the Planning Commission received a full review of the Brady Village Plan at their worksession.

Ms. Matthews stated that staff is proposing amendments to the District 1 Plan that would incorporate this by reference. There were some eliminations that the Planning Commission did not want included in the Plan and would not be responsible for. Staff is recommending **APPROVAL** the text and an amendment to the plan map that would show the outline of the Brady District.

RESOLUTION NO. 2368:859

A RESOLUTION AMENDING THE DISTRICT ONE PLAN MAP AND TEXT, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June

1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

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

WHEREAS, on the 10th day of October, 1980 this Commission, by Resolution No. 1332:524, did adopt the District One Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 4th day of February, 2004, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District One Plan Text by adding and/or amending text as follows.

Plan text:

Add as item 4.1.2.1.1 The Brady Village, the boundaries for which are indicated on the District One Plan map, has adopted specific guidelines for that area's future development and redevelopment. These guidelines are presented in "The Brady Village Infill Development Design Guidelines" and should be followed in any proposals in this area. The portion of these guidelines adopted as part of the District One Plan include pages 5 through 12, less and except items B(3)(c), B(3)(e)(i) and B(3)(e)(ii).

Plan map:

Add to the plan map as an overlay the boundaries for the Brady Village district, as presented in Appendix D, "The Brady Village Infill Development Design Guidelines" study.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District One Plan Text, as above set out, be and are hereby adopted as part of the District One Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget, "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to recommend **APPROVAL** of adoption of the Brady Village Infill Development Guidelines, Area Map and Text as Amendments to the District One Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, Resolution 2368:859 per staff recommendation.

* * * * *

ZONING PUBLIC HEARING

Application No.: PUD-567-D

MAJOR AMENDMENT

Applicant: Frances Sells

(PD-18) (CD-7)

Location: 11122 East 71st Street South

STAFF RECOMMENDATION:

The major amendment proposes to add, as a permitted use within Area D of PUD-567-C, a Cosmetology School as included with Use Unit 15.

The existing PUD permits the following uses:

Those uses included within Use Units 10, 11, 12, 13, 14, 19 and limited uses included within Use Unit 17.

The existing standards permit a maximum building floor area of 10,000 square feet within Area D. The subject tract is 165 feet wide and 260 feet deep.

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-567-D as modified by staff, 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-567-D subject to the following conditions:

1. All existing requirements of PUD-567, PUD-567-B and PUD-567-C shall continue to apply unless modified below.
2. Add the following permitted use to Area D: Cosmetology School as included within Use Unit 15.

PUD 567-D, (Beauty School) 11122 East 71st Street South

Water –No comments.

Stormwater –No comments.

Wastewater –No comments.

Transportation -No comments.

Traffic –Design an adequate and safe parking lot for Vehicular and Pedestrian use with a 15 ft min. Aisle width.

General -No comments.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget, "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to recommend **APPROVAL** the major amendment for PUD-567-D subject to the following conditions: 1.) All existing requirements of PUD-567, PUD-567-B and PUD-567-C shall continue to apply unless modified below. 2.) Add the following permitted use to Area D: Cosmetology School as included within Use Unit 15 per staff recommendation.

Legal Description for PUD-567-D:

A tract of land that is part of Lot 1, Block 2, Woodland Park Center, a subdivision in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit: beginning at a point that is the Northeast corner of said Lot 1, Block 2, thence S 00°10'00" W along the Easterly line of said Lot 1 for 260.00'; thence N 89°46'10" W and parallel with the Northerly line of Lot 1 for 165.00'; thence N 00°10'00" E for 260.00' to a point on the Northerly line of Lot 1; thence S 89°46'10" E along said Northerly line for 165.00' to the Point of Beginning of said tract of land, and located west of the southwest corner of East 71st Street South and South Garnett Road, Tulsa, Oklahoma.

Application No.: CZ-334

AG to RE

Applicant: Joe E. Donelson

(PD-20) (County)

Location: East of northeast corner of East 181st Street South and South Sheridan

STAFF RECOMMENDATION:

There has been no activity in this area.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 70 acres in size and is located east of the northeast corner of East 181st Street South and South Sheridan Road, Bixby, Oklahoma. The property is sloping, partially-wooded, vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 181 st Street South	Primary arterial	120'	2 lanes

UTILITIES: The subject tract is served with water from a rural water system and sewer would have to be serviced through a septic system or some alternative.

SURROUNDING AREA:

The subject property is abutted on the north, east and west by vacant property, zoned AG; to the southeast and south by scattered single-family homes on large acreages, zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The subject property is designated as Rural, Vacant, Agricultural, Rural Residences and Open Land by the Bixby Comprehensive Plan – 1991 – 2015.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding low intensity uses, staff can support the requested RE zoning and therefore recommends **APPROVAL** of RE zoning for CZ-334.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget, "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to recommend **APPROVAL** the RE zoning for CZ-334 per staff recommendation.

Legal Description for CZ-334:

The NE/4 of the SW/4 and the SE/4 of the SW/4 less the W/2 of the W/2, Section 35, T-17-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, containing 70 acres more or less and located east of the northeast corner of East 181st Street South and South Sheridan Road, Bixby, Oklahoma, **From AG (Agriculture District) To RE (Residential Single-family, Estate District).**

* * * * *

Application No.: PUD-699

RM-1/RS-3 to PUD

Applicant: Darin Akerman

(PD-11) (CD-1)

Location: South of southeast corner of West Newton and North 24th West Avenue

STAFF RECOMMENDATION:

The PUD proposes a maximum of 84 multifamily dwelling units on approximately 22 acres fronting North 24th West Avenue, located approximately 500 feet southeast of the intersection of Gilcrease Museum Road and Newton Street.

The subject tract is zoned RM-1 and RS-3. The tract is abutted on the north by condominiums zoned RM-1; on the east by single-family homes zoned RS-3; and on the south by single-family homes zoned RS-3 and RM-1. There is vacant RM-1 zoned property to the west, across North 24th West Avenue.

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-699 as modified by staff, 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-699 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

Land Area: 13.97 Acres* 608,643 SF*

Permitted Uses:

Those uses permitted by right within an RM-1 District.

*The boundaries of Development Areas "A" & "B" are conceptual in nature and minor modifications may be made pursuant to final platting; however, the acreage of Development Areas "A" & "B" shall not be altered by more than 15%.

Minimum Lot Width: 100 feet

Minimum Lot Area: 10,000 SF

Minimum Land Area Per Dwelling Unit: 4,200 SF

Maximum Structure (Building) Heights:

One story, not to exceed 30 feet in height.

Minimum Livability Space Per Dwelling Unit: 600 SF

Maximum Number of Dwelling Units: 84

Minimum Building Setbacks:

From North 24th West Avenue right-of-way 25 feet

From northern PUD boundary 25 feet

From eastern PUD boundary 110 feet

From southern PUD boundary 130 feet

Minimum Rear Yards Per Dwelling Unit: 20 feet

Minimum Side Yards Between Apartment Buildings: 10 feet

Signs:

Signs shall comply with the provisions of the RM-1 District.

Development Area B

Land Area: 7.65 Acres* 333,051 SF*

Permitted Uses:

Greenbelt; stormwater facilities; and passive, recreational (non-motorized) walking trails

3. Landscaping and screening shall be in substantial compliance with the submitted development plan and shall meet or exceed the requirements of Landscape and PUD Chapters of the Tulsa Zoning Code. A six-foot high or higher screening wall or fence shall be erected and maintained along the east and south boundaries of the PUD. The screening wall or fence may be waived subject to substantially dense landscaping materials maintained and reflected on detail site plan.
4. 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, screening fences and/or landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
5. 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.
6. 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.
7. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.

8. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
9. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light within Development Area A shall exceed 15 feet in height.

There shall be no light standard within the east or south 50 feet of Development Area B and no light standard within Development Area B shall exceed 12 feet in height.

10. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
11. All private roadways shall have a minimum right-of-way of 30 feet and be a minimum of 26 feet in width for two-way roads and 18 feet for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
12. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
13. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
15. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.

16. 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.
17. There shall be a minimum of two access points to the PUD, unless the Fire Department and Public Works Department approves the proposed divided access points. Private and public vehicular and pedestrian circulation shall be reviewed during detail site plan review. All access shall be approved by TMAPC, the Fire Department and Public Works.

PUD 699, (Gilcrease Hills Estates) South of the southeast corner of West Newton and North Xenophon Avenue

Water –The extension of a looped water main required.

Stormwater –Two watersheds – each requires detention – no cross-flow allowed.

Wastewater –Provide sanitary sewer to each lot.

Transportation –No comments.

Traffic –No comments.

General -No comments.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Queen Garrett, 1911 West Latimer Place, Tulsa, Oklahoma 74127; **Lois Simmons**, 852 North Xenophon, Tulsa, Oklahoma 74127, and **Terry McGee**, 585 Country Club Drive, Tulsa, Oklahoma 74127.

COMMENTS OF INTERESTED PARTIES:

Concerned that their homes would be bought out to develop this proposal; would there be a fence bordering the subject property on the south boundary.

TMAPC COMMENTS:

Mr. Jackson explained the borders of the subject application and that it would not be encroaching into the existing neighborhood.

Mr. Dunlap stated that there are two development areas proposed and on the east and south boundary, there would be a drainage facility and landscaping. Staff has recommended that there would be a screening fence along the east and south boundary, but the Planning Commission could waive this requirement if the applicant demonstrates that there is enough natural vegetation or planted vegetation that would provide a natural screening at detail site plan review.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget, "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to recommend **APPROVAL** PUD-699 per staff recommendation.

Legal Description for PUD-699:

A TRACT OF LAND THAT IS PART OF THE W/2, NW/4 OF SECTION 34, T-20-N, R-12-E, OF THE IBM, OSAGE COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT THAT IS THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, "OAK CREEK", AN ADDITION IN OSAGE COUNTY, OKLAHOMA; THENCE S 88°57'08" E ALONG THE SOUTHERLY LINE OF SAID LOT 1 FOR 808.23' TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF "SKYLINE RIDGE FOURTH", AN ADDITION IN OSAGE COUNTY, OKLAHOMA; THENCE S 00°40'25" W ALONG THE WESTERLY LINE OF SAID "SKYLINE RIDGE FOURTH" FOR 827.93' TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF SAID "SKYLINE RIDGE FOURTH" AND THE NORTHWEST CORNER OF "SKYLINE RIDGE 3RD ADDITION", AN ADDITION TO THE CITY OF TULSA, OSAGE COUNTY, OKLAHOMA; THENCE CONTINUING S 00°40'25" W ALONG THE WESTERLY LINE OF SAID "SKYLINE RIDGE 3RD ADDITION" FOR 344.79' TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF "GILCREASE HILLS VILLAGE I", AN ADDITION IN OSAGE COUNTY, OKLAHOMA; THENCE ALONG THE NORTHERLY LINE OF SAID "GILCREASE HILLS VILLAGE I" AS FOLLOWS: S 86°30'34" W FOR 234.94'; THENCE S 41°54'55" W FOR 138.12'; THENCE S 86°41'36" W FOR 150.34'; THENCE N 20°07'47" W FOR 137.17'; THENCE N 10°30'38" W FOR 173.58'; THENCE N 78°50'13" W FOR 275.06' TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF "GILCREASE HILLS VILLAGE I" AND SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF NORTH 24TH WEST AVENUE; THENCE N 09°19'54" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 0.00' TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08°48'37" AND A RADIUS OF 755.00' FOR 116.09' TO A POINT OF TANGENCY; THENCE N 00°31'17" E ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG SAID TANGENCY FOR 728.51' TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 13°20'40" AND A RADIUS OF 505.00' FOR 117.62' TO THE POINT OF BEGINNING, and located south of the southeast corner of West Newton Street and North 24th West Avenue, Tulsa, Oklahoma, **From RM-1 & RS-3 (Residential Multifamily Low Density District & Residential Single-family High Density District) To RM-1/RS-3/PUD (Residential Multifamily Low Density District/Residential Single-family High Density District/Planned Unit Development).**

Application No.: Z-6930/PUD-700

AG TO RS-3/PUD

Applicant: Roy Johnsen

(PD-18) (CD-2)

Location: North of northwest corner of East 85th Place and South Harvard Avenue

STAFF RECOMMENDATION Z-6930:

Z-6821/PUD-651 June 2001: A request to rezone a 2.78 acre tract located west of the southwest corner of East 81st Street South and South Harvard Avenue from AG to CS, OL and RS-2 with a Planned Unit Development. Approval was granted for CS zoning on that portion abutting CS zoning to the east, and RS-2 on the south side of the tract with OL on that part of the property fronting E. 81st Street.

Z-6786/PUD-299-B October 2000: A request for a zoning change and a major amendment on a 4.5 acre tract located on the northeast corner of East 81st Street and South Harvard Avenue to allow office and townhouse uses on the property. The zoning changed the underlying zoning from RS-4 to RD and RM-1. All concurred in approval of the request.

Z-6742/PUD-299-A January 2000: All concurred in approval of a request to rezone a 4.5 acre tract located on the northeast corner of East 81st Street and South Harvard Avenue, from RD/RM-1/PUD to RS-4/PUD.

PUD-395-A September 1986: All concurred in approval of a request to abandon the PUD on a 2.7 acre tract located approximately 260' north of the subject property, and to retain the RS-3 zoning on that portion of the tract that was compatible with the abutting residential use to the east and to allow a church use on the remaining portion of the PUD that fronts South Harvard.

BOA-14223 September 1986: The Board of Adjustment approved a church use on property located north of the subject tract subject to a screening fence on the south and west boundary.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is sloping, partially-wooded, vacant, and is zoned AG.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Secondary arterial	100'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north, east and west by single-family dwellings, zoned RS-2 and to the south by vacant property and a drainage basin, zoned RS-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Residential land use. According to the Zoning Matrix, the requested RS-3 is in accord with the District Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding land uses, staff can support the requested RS-3 zoning, provided that the TMAPC recommends approval of the accompanying PUD or some version of it. Therefore, staff recommends **APPROVAL** of RS-3 zoning for Z-6390, provided that the TMAPC also recommends approval of PUD 700 or some variation thereof.

STAFF RECOMMENDATION PUD-700:

The PUD proposes a maximum of six single-family dwellings on 2.02 acres located north of the northwest corner of East 85th Place and South Harvard Avenue. The subject tract has 427 feet of frontage on South Harvard and extends west a distance of 213 feet.

The subject tract is zoned AG and concurrently an application (Z-6930) has been filed to rezone the tract to RS-3. The subject tract is abutted on the north by a single-family dwelling zoned AG; on the northern portion of the west boundary by single-family dwellings zoned RS-2; and on the southern portion on the west boundary and on the south by a city stormwater detention facility.

A common architectural theme is being proposed, with each residence to be built along a predetermined side lot line. Access to each lot would be derived from a private interior drive extending from a gated point of access at Harvard.

If Z-6930 is approved as recommended by staff, then 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-700, as modified by staff, 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-700 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:**

Gross Land Area: 2.02 acres

Permitted Uses:

Detached single-family residences and customary accessory uses.

Maximum Number of Dwelling Units: 6

Minimum Lot Size: 7000 SF

Minimum Lot Width: 50 FT

Maximum Building Height:

Two stories not to exceed 35 ft.

Minimum Required Yards:

From centerline of Harvard 60 FT

From south boundary of PUD 20 FT

From west boundary of PUD 12 FT

From north boundary of PUD 20 FT

From interior drive 18 FT

From interior side lot line

one side yard 10 FT

other side yard 0 FT

Minimum Livability Space Per Lot: 4000 SF

Other Bulk and Area Requirements:

As provided within an RS-3 District.

Minimum Off-Street Parking:

Within each lot, not less than two off-street spaces within an enclosed garage shall be provided and not less than eight guest parking spaces shall be provided.

3. Perimeter Screening:

A masonry screening wall not less than six feet in height and not exceed seven feet in height shall be constructed and maintained along the east boundary of the PUD except at approved access points. A six-foot high or higher screening wall or fence shall be constructed and maintained along the west and north boundaries of the PUD.

4. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD.
6. All private roadways shall have a minimum right-of-way of 30 feet and be a minimum of 26 feet in width for two-way roads and 18 feet for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
7. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
8. No building permit shall be issued until the requirements of Section 1107F 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. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

Z-6930 – PUD 700, (Estate of Provence) North of the northwest corner of 85TH Place and South Harvard

Water – A 12-inch main line exist on the east side of Harvard Avenue. A looped water line may be required.

Stormwater –PFPI required. Collect all runoff on-site and pipe to existing stormwater detention facility.

Wastewater –Provide sewer to each lot.

Transportation –No comments.

Traffic –Rec. OW drives to be 18 FT minimum. Rec. increasing the ten-foot building setback along Harvard to 17.5 FT to allow for future utility needs behind the 50 ft Arterial R/W.

General –Under Item 5, add specific, detailed information, i.e., City-owned, access, etc.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that his client proposes six single-family dwellings on individual lots with a courtyard concept. This project would be gated with access from Harvard Avenue with a good circulation system inside and guest parking.

Mr. Johnsen indicated that his client met with the president of the Walnut Creek V Addition and they were supportive. He indicated that his is in agreement with staff's recommendation.

TMAPC COMMENTS:

Mr. Harmon stated that he appreciates that there is additional parking provided for visitors.

INTERESTED PARTIES:

Mark Nida, 3417 East 84th Place, Tulsa, Oklahoma 74136, stated that he wanted to know how easy it would be for the proposed zoning to be changed once it is approved.

TMAPC COMMENTS:

Mr. Jackson stated that the applicant is currently in an AG district and the next use and intensity scale would be residential. If the applicant wanted a different use he would have to reapply and go through the same process again.

Mr. Nida asked if the today's proposal were approved, it would be developed as presented. In response, Mr. Jackson stated that it could change throughout the process, but there would be notification if there were any changes proposed.

Robert Sibley, 3429 East 84th Place, Tulsa, Oklahoma 74136, stated that he lives five blocks directly east and did not receive a notification. (Mr. Jackson explained that notification is within 300-foot radius of the subject property. There are rezoning signs posted for the general public.)

Mr. Sibley stated that his concern is that a typical home in the subject area is on approximately one acre. The proposal is on a two-acre tract and that would be a 300% increase in density.

Mr. Jackson pointed out to Mr. Sibley the density designations in the subject area, which are the same as being requested today.

Mr. Sibley stated that the applicant is proposing to put six single-family dwellings on a two-acre tract in an area where the existing single-family homes are on a one-acre tract.

Mr. Jackson explained to Mr. Sibley the density allowed in the existing RS-3/RS-2 and AG districts in the surrounding area. He further explained that the lot sizes may be decreasing, but the values will be increasing.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget, "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to recommend **APPROVAL** RS-3 for Z-6930 per staff recommendation and to recommend **APPROVAL** for PUD-700 per staff recommendation.

Legal Description for Z-6930/PUD-700:

A TRACT OF LAND THAT IS PART OF THE SE/4, NE/4 OF SECTION 17, T-18-N, R-13-E OF THE IBM, TULSA COUNTY, STATE OF OKLAHOMA MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commencing AT THE SOUTHEAST CORNER OF THE NE/4 OF SECTION 17, T-18-N, R-13-E; THENCE N 00°12'21" E AND ALONG THE EAST LINE OF THE NE/4 OF SECTION 17 A DISTANCE OF 261.56' TO THE POINT OF BEGINNING; THENCE CONTINUING N 00°12'21" E AND ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 427.50'; THENCE S 90°00'00" W A DISTANCE OF 213.00' TO A POINT ON THE EASTERLY LINE OF WALNUT CREEK V, AN

ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF; THENCE S 00°12'21" W AND ALONG SAID EASTERLY LINE OF SAID ADDITION A DISTANCE OF 377.50' THENCE S 90°00'00" E AND ALONG THE NORHTERLY LINE OF LOT 4, BLOCK 2 OF SAID ADDITION A DISTANCE OF 63.00'; THENCE S 00°12'21" W AND ALONG THE EASTERLY LINE OF SAID LOT 4 A DISTANCE OF 50.00'; THENCE S 90°00'00" E AND ALONG A NORTHERLY LINE OF SAID ADDITION A DISTANCE OF 150.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 87,905.98 SQUARE FEET / 2.018 ACRES, and located north of the northwest corner of East 85th Place South and South Harvard Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To RS-3/PUD (Residential Single-family High Density District/Planned Unit Development).**

Application No.: Z-6929

RS-3 to CH

Applicant: Louis Levy

(PD-16) (CD-3)

Location: North of the northeast corner of East Admiral Place and North 91st East Avenue (41 North 91st East Avenue)

STAFF RECOMMENDATION:

Z-6853 June 2002: All concurred in approval of a request to rezone seven lots located on the northwest corner of East 2nd Street and South 89th East Avenue. The property had received a special exception to allow residential development in this small subdivision which was zoned CS. The request for RS-3 zoning was approved.

Z-6852 February 2002: A request to rezone a 2.7-acre tract located on the southeast corner of East Admiral Place and South 85th East Avenue from CS to CH to allow an existing retail, warehouse and storage facility. The application was approved for CH zoning.

Z-6641 August 1998: Approval was granted for a request to rezone a 3.3-acre tract located north of the northwest corner of East Admiral Place and North Mingo Road from CS to CH.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is sloping, partially-wooded, contains a building currently used as a nonconforming warehouse, and is zoned RS-3. The site appears to have some drainage problems, and part may actually be within a floodplain.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
North 91 st East Avenue	Collector	60'	2 lanes

UTILITIES: The subject tract has municipal water. The subject tract is on a private septic system but a municipal sewer line is located at the intersection of East Admiral Court and North 91st East Avenue, less than 100' from the subject property.

SURROUNDING AREA:

The property is abutted on the north by what appears to be a single-family residence, zoned IL; to the west by single-family residential and office uses, zoned IL and RS-3; to the east by single-family residential uses, zoned RS-3; and to the south by a manufactured homes sales business, zoned CH.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity-No Specific land use/Corridor. According to the Zoning Matrix, the requested CH zoning **is not** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and existing adjacent land uses, staff cannot support the requested CH zoning. The TMAPC as a general practice will not recommend CH zoning outside of areas that are already CH-zoned. Moreover, this lot appears to have possible drainage problems, perhaps related to the streambed across the street. Therefore, staff recommends **DENIAL** of CH zoning for Z-6929. In the alternative, staff could support CS zoning, with the caveat that this or any other rezoning will not solve the obvious drainage problems that appear on this lot. With this warning, staff can recommend **APPROVAL** of CS zoning for Z-6929.

TMAPC COMMENTS:

Mr. Harmon stated that it is unusual that drainage is a condition of approval for zoning. In response, Ms. Matthews stated that staff wanted to make the applicant aware that any rezoning granted on the subject property will not solve the drainage problem and would have to be addressed through the platting process. Mr. Harmon stated that staff is only advising the client about the drainage issues and it would have no bearing on whether it is zoned CS or CH.

Ms. Matthews reminded the Planning Commission that typically they do not approve CH zoning, but it is possible to zone CS with medium intensity.

Applicant's Comments:

Louis Levy, 5314 South Yale, Suite 310, Tulsa, Oklahoma 74136, representing Laverne Carter, stated that the subject area has an interesting history. Mr. Levy cited the history of the subject area from 1956 to the present. He explained that his client purchased the property 21 years ago and uses it for a storage and a warehouse facility on three of the lots, which all face the south. He stated that the entrance of the subject property faces to the west and there are six single-family homes that are not utilized exclusively as single-family homes.

Mr. Levy stated that this application is a second stage of a four-stage program to redevelop the subject property. This would solve drainage problems and clean up the subject area. The subject property is not in a regulatory floodplain. There is a portion of the subject property that is an undedicated city street that was part of the Moses subdivision, which was subdivided more than 40 years ago. His client plans to utilize the subject property for storage and warehousing when this rezoning is approved. He indicated that his client has been utilizing the subject property for storage and warehousing for 21 years. His client would like to seek vacation of the street that was never developed and has been utilized by the City or anyone else in the subdivision. This would allow his client to put floodplain improvements together with the flood management of the City.

Mr. Levy stated that the staff report indicates that the property to the east of the subject property is zoned RS-3 and has single-family residential uses. The property immediately east of the subject property has three automotive repair shops. A few of the businesses area nonconforming and the business immediately east is in a CH district. Mr. Levy described the surrounding zonings and the type of businesses or homes that are located on them.

Mr. Levy stated that one of the property owners in the subject area, Eunice Boyce, has consented to the rezoning in writing (Exhibit A-1). He indicated that the Ms. Boyce's property is currently rented and the renters are here to protest the zoning.

Mr. Levy stated that his client would like to improve the subject property and has been asked to do so by Neighborhood Inspections. He further stated that his client has started the clean-up process. Six months ago there were unserviceable and non-working automobiles, trucks and a semi-trailer parked on the subject property. All have been removed to this date, but the storage and warehouse facility is currently being utilized.

Mr. Levy stated that he requested CH zoning because it would be compatible with the surrounding zonings. He further stated that he has read the staff report and is agreeable to the staff recommendation for CS zoning. Mr. Levy commented that the photograph that staff was showing on the camera with the truck in the yard was an old photograph and the truck has been removed from

the property. (Picture staff presented was taken Friday before the Wednesday meeting.)

TMAPC COMMENTS:

In response to Mr. Harmon, Ms. Matthews stated that in the middle of a neighborhood, such as this, CH zoning is usually not approved because of the problems with parking, setbacks, etc. Mr. Harmon questioned staff regarding CH zoning in the subject area. In response, Ms. Matthews stated that the subject property is only adjoined by CH zoning on one side. The stretch of land that is vacant could have improvements in the future that might make it usable. Staff believes this to be spot zoning to recommend approval for CH zoning in the subject area.

Mr. Ledford stated that the problem with CH zoning is that building heights and setback requirements are virtually nonexistent. This is the reason the Planning Commission chooses to limit the CH zoning.

INTERESTED PARTIES:

Jeff Whitewater, 9118 East Archer, Tulsa, Oklahoma 74115, stated that his main concern is that the applicant has been hauling dirt into the subject property. He explained that he understood the subject property to be in a floodplain and hauling dirt in was not allowed. The fill will cause more trouble in the future.

Mr. Harmon informed Mr. Whitewater that anything in a floodplain requires Corps of Engineer approval. He explained that the Planning Commission could not control this problem.

Mr. Dunlap stated that staff received information that the subject property is not in the 100-year floodplain, FEMA floodplain, nor the City of Tulsa's regulatory floodplain.

Mr. Whitewater stated that his property is in a floodplain and the subject property the applicant is rezoning remains wet year around. He explained that he has had water completely surround his home twice in past year.

Mr. Harmon reiterated that the Planning Commission cannot consider the drainage issues. He explained that Stormwater Management would handle it if it is a stormwater problem and if it is a floodplain problem, then the Corps of Engineers would handle it.

Mr. Ledford stated that there may be significant drainage problems in the subject area and not be in a floodplain. Staff has informed the Planning Commission that the information they have received does not indicate that the subject property is in a floodplain. As this project moves forward, the drainage issues would have to be corrected, which outside of the Planning Commission review.

Mr. Whitewater stated that his concern is that the applicant is raising the subject property elevation causing the water to run off onto other properties in the subject area

Mr. Ledford stated that the important thing is that the interested parties are stating on record that there is a drainage problem in the subject area. The applicant would have to answer these issues with Public Works Department.

Mr. Alberty stated that one of the things that would be required, should this zoning be approved, is a plat. During the platting process the applicant will have to address these drainage issues with the appropriate City Department. It is not that staff and the Planning Commission are neglecting this issue. It has been pointed out in the staff report, and it will have to be addressed. The concerns of the interested parties will be part of the record and included within the minutes. When the project comes back, the applicant would not be able to do any development on the subject property without the approval of a subdivision plat. There is a good possibility that the development of the subject property could improve the drainage problems in the subject area.

INTERESTED PARTIES:

E. Dwayne and Debra Boyce, 46 North 91st East Avenue, Tulsa, Oklahoma 74115, stated that he lives across the street from the subject property. He indicated that he has lived in the subject are for 22 years. He explained that he uses to own the property Mr. Whitewater is currently living in.

Mr. Boyce stated that Mr. Carter purchased the subject property when there was a dead-end street with six houses located on it. For the last 20 years, even when it was in the floodplain, Mr. Carter has demonstrated a lack of respect for the City of Tulsa's rules and regulations, the Federal Emergency Management Authority and has done nothing except to haul in dirt, store junk and raise the ground level around him. He doesn't care that he is harming his neighbor's property because he does not live there. He explained that the applicant didn't start cooperating with the City until Neighborhood Inspections cited him.

Mr. Boyce stated that the machinist to whom Mr. Levy referred is a retired 80-year old gentleman. The other light industrial property belongs to a gentleman who is 84 years old.

Mr. Boyce stated that he has a folder with correspondence with former Mayor Susan Savage regarding the drainage problems. He explained that the City has ordered people to cease hauling in rocks and dirt. There is not stormwater drainage in the subject area and the small addition is on septic systems. There is a natural flow of water from the creek, which adjoins the subject property and flows to Mingo. This is has been filled in by the flea market, and Mr. Mike Fine was doing the same thing on his property. The level of dirt around the neighborhood has been raised and the neighborhood is now sitting in a pond.

The subject property could not be used as RS-3 because it would not perc and he doesn't believe industrial would be compatible with the neighborhood. The body shops, to which Mr. Levy referred have junk cars and abandoned buildings. He indicated that he has documentation that Mr. Carter has brought approximately 80 loads of dirt onto his property.

Mr. Boyce stated that the subject area is a sensitive environmental area and should have an environmental impact study. He concluded that he opposes this zoning change.

Mrs. Boyce stated that this application was filed because the City was called about the dirt being hauled into Mr. Carter's property. The City inspected the site and cited Mr. Carter to clean up the site.

Mrs. Boyce stated that only one of the light industrial uses is in business and that would be Mr. Bevins. Changing the subject property to high commercial would not be beneficial for the kids playing or riding their bikes in the neighborhood. Admiral is a business area and there are no homes on Admiral.

Mrs. Boyce stated she is opposed to the CH zoning. She explained that Eunice Boyce does not live at 46th North 91st East Avenue and she signed a quit claim deed to Dwayne Boyce several months ago. She questioned that her mother-in-law actually signed the letter of support (Exhibit A-1).

TMAPC COMMENTS:

Mr. Harmon asked Mrs. Boyce why she wouldn't prefer a well-maintained property rather than a rundown property as it is now. In response, Mrs. Boyce stated that Mr. Schwartz has kept the subject property up for the last 20 years and has planted trees and shrubs to block his view of the subject property. She explained that the applicant would not have filed an application if it had not been for her calling and complaining to Neighborhood Inspections about the dirt being hauled in. For 20 years the property owner has operated the subject property as a business and it is zoned for residential. Mrs. Boyce stated that she doesn't believe Mr. Carter will continue to keep the subject property clean due to his past 20 years of neglect.

Mr. Harmon stated that Neighborhood Inspections does react to phone calls as has been demonstrated by this application.

INTERESTED PARTIES:

Richard Reed, 9401 East Archer, Tulsa, Oklahoma 74115, stated that he lives on the corner of Archer and 91st Street, which adjoins on the north of the subject property. He expressed concerns regarding flooding and the subject property hauling dirt. If the applicant were allowed to develop this property it would compound the drainage problem.

TMAPC COMMENTS:

Mr. Harmon stated that rezoning the subject property would make it subject to platting, and during the platting process the drainage issues would be addressed and improved.

Mr. Carnes asked Mr. Levy if he was in agreement with staff's recommendation for CS zoning. In response, Mr. Levy answered affirmatively.

Mr. Harmon asked if the subject property is developed as CS-zoned property, it would be held to any different standard for drainage than it is presently. In response, Mr. Alberty stated that before any development could occur the drainage issues would have to be resolved. Mr. Alberty further stated that this would be reviewed and if there are improvements that could be made to the existing situation, it would be required.

Ms. Coutant asked Mr. Levy what his client's plans for the property were at this time. In response, Mr. Levy stated that until the drainage problems are solved, he will continue using the subject property exactly as he has been using it for storage and warehousing for his heating and air conditioning business. The heating and air conditioning business is located at a different site and there would be no change in the subject property until the drainage problems are solved. Once the rezoning is completed and the drainage issues are resolved, his client would do whatever is permitted under the existing zoning.

Ms. Coutant asked Mr. Levy if his client has any plans. In response, Mr. Levy stated that currently it is a nonconforming use and he is trying to become legal on the zoning.

Mr. Harmon stated that he would like to go on record as strongly encouraging Mr. Levy to work with his client to be sure that he complies with the various codes that are in place. Code violations could be very serious in the future when the applicant comes before the Planning Commission for platting. In response, Mr. Levy stated that he can advise the Planning Commission that the code violations that were issued six months ago have now been withdrawn due to his client's cooperation. He indicated that his client would continue to cooperate with the City of Tulsa.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 6-0-0 (Carnes, Coutant, Harmon, Jackson, Ledford, Midget, "aye"; no "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to recommend **DENIAL** of CH zoning and in the alternative to recommend **APPROVAL** of CS zoning for Z-6929.

Legal Description for Z-6929:

Lots 4, 5, and 6, Block 4, Moses Subdivision No. 2, a resub of Block 4, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the

recorded plat thereof and located north of the northeast corner of East Admiral Place and North 91st East Avenue (41 North 91st East Avenue), Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To CS (Commercial Shopping Center District).**

* * * * *

Application No.: PUD-167-1

MINOR AMENDMENT

Applicant: Terry McGee

(PD-11) (CD-1)

Location: North of northeast corner of West Pine and North 24th West Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to permit enclosed garages, modify side yard requirements to allow eaves to overhang on adjoining lot, and to allow lots to access North 24th West Avenue (see applicants submittal).

PUD-167 was approved by the City in February 1975. The PUD consists of six acres located north of the northeast corner of West Pine Street and North 24th West Avenue. The PUD permitted a maximum of 30 attached single-family homes with common open space. The PUD standards require that dwellings front private streets linked to public streets and that each dwelling unit will have an attached covered carport for two cars, plus driveways for two additional cars.

Staff finds that the request to permit enclosed garages would not substantially alter the character of the development and would be minor in nature. It is staff's determination that there is not a setback requirement from the southern boundary of Lot 17. Staff finds that the request to access the lots from North 24th West Avenue would substantially alter the traffic design and therefore would not be minor in nature. Therefore staff recommends **DENIAL** of the request to allow access to North 24th West Avenue and **APPROVAL** of the request to permit enclosed garages.

Mr. Dunlap stated that the Planning Commission cannot address the request for an overhang onto someone else's property. The PUD does not have a setback requirement from the lot line.

Mr. Dunlap stated that staff recommends approval of the garages. There is a PUD standard that the dwellings must face a private street or have an access to a private street, which then accesses a public street. The private street is in place and Mr. Dunlap feels that the access should be from that private street. Staff believes that the access should be from the existing private street.

TMAPC COMMENTS:

Mr. Midget asked if there are any dwellings or units that have access to North 24th West Avenue. In response, Mr. Dunlap stated that the subject PUD does not have any dwellings with access to North 24th West Avenue. Farther north, there are homes that do have access to it.

Applicant's Comments:

Terry McGee, 585 Country Club Drive, Tulsa, Oklahoma 74127, stated that he requested the overhang issue because he was instructed to do so by the Building Permit Department. He explained that the homeowners association does not have a problem with the request and he understands that an agreement should be in place with the adjacent property owners to deal with this issue.

Mr. McGee stated that there are three or four different units that have access to North 24th West Avenue. There are no other houses with access onto North 24th West Avenue for approximately 100 yards. He doesn't see that this proposal would create a traffic congestion problem or traffic flow problem. The reason for directing the driveways toward North 24th West Avenue is because of a deep drop-off. The nature of the incline of the subject property in relation to North 23rd West Avenue would cause a car bumper to drag the street when trying to access the unit. There is a smooth grade to enter the garages off of North 24th West Avenue. Turning the driveways to the west rather than the east is a safety issue.

TMAPC COMMENTS:

Mr. Carnes asked Mr. McGee if he would be able to set back 25 feet if he directed the driveways west rather than east. In response, Mr. McGee answered affirmatively.

Mr. Carnes asked staff if the applicant could set back 25 feet from the public street how this is any different from what already exists in the City of Tulsa. In response, Mr. Dunlap stated that staff reviewed the case and the original approval, which called for the dwellings in this PUD to access private streets, then access to the public streets. The dwellings directly to the east face the private street and the private street is in place, which is accessible to the lots. Staff believes this would be a major deviation from the original approval.

INTERESTED PARTIES:

Larry Duke, 1919 West Seminole, Tulsa, Oklahoma 74127, representing the Gilcrease Hills Homeowners Association, stated that there are approximately 800 homeowners who surround the subject property and the Board of Directors of the Homeowners Association supports this proposal. He indicated that the proposal was reviewed and approved by the Architectural Committee.

Mr. Jackson asked Mr. Duke if the association had any problems with the access on North 24th West Avenue. In response, Mr. Duke stated that there are no problems with the access proposal.

TMAPC COMMENTS:

Mr. Midget asked how many units there would be. In response, Mr. McGee stated that there are four units with individual driveways.

Mr. McGee stated that the owners of the senior facility across the street do not believe they will be able to sell the two lots directly across from the subject property because of the topography.

Mr. Carnes stated that there would be two off-street parking places if this is set back 25 feet and the homeowners association is in agreement with this proposal. The topography would be considered a hardship if he went before the Board of Adjustment.

Mr. Midget indicated that he agrees with Mr. Carnes. He stated that the incline in the subject area is steep.

Mr. Ledford stated that he understands the topographical conditions, but there is a problem that it is not being looked at in a comprehensive view point at this enclave. Perhaps this was a poor design and maybe there are topographical conditions that would lend itself to have access to North 24th Street, but there are more lots and when a portion of a PUD is varied, then he cannot support it. This is not being looked at as a whole and only looked at as a part of it. Possibly there should be some redesigning of the PUD or reviewing the PUD to allow some of this.

Mr. Midget stated that the street is already in place and he doesn't know how much change could be done on this small spot. The property across the street is not developed. He does not see this as a disruption to the traffic flow in the subject area.

Mr. McGee stated that the development is 25 years old and he is purchasing the last five lots in Gilcrease Hills.

Mr. Ledford stated that this PUD was approved with these lots included. He believes that this should have a global review first.

Mr. Harmon stated that he feels the same as Mr. Ledford. He believes that this would be a major deviation from the original PUD. The topography was known when the original PUD was developed and approved.

Mr. Jackson asked if there were any limits of no access on North 24th West Avenue.

Mr. McGee stated that in the last 25 years, the stormwater runoff from North 24th West Avenue is channeled onto the property across the street. The level of elevations, in the last 25 years, has changed.

Mr. Harmon stated that he can appreciate the change in elevation over the years, but a change in the applicant's plans would solve this too. He could excavate for the garage at street level and climb stairs to get in the house. There are many ways to solve this problem.

Mr. McGee stated that excavating would mess up the sewer system.

Mr. Dunlap stated that by the information staff has, it is difficult to determine whether there are limits of no access. He explained that without a copy of the plat he could not determine if there are other limits of no access.

Mr. McGee submitted a plat, but it was not a stamped-filed plat and staff was not able to determine if there were other limits of no access.

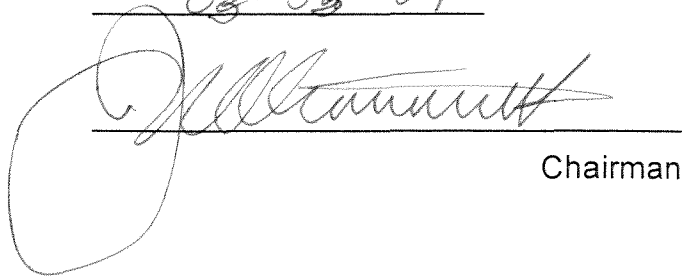
TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted 4-2-0 (Carnes, Coutant, Jackson, Midget, "aye"; Harmon, Ledford "nays"; none "abstaining"; Bayles, Hill, Horner, Miller, Westervelt "absent") to recommend **APPROVAL** of the minor amendment for PUD-167-1 per staff recommendation with the modification that access onto North 24th West Avenue shall be allowed for the proposed units as modified by the Planning Commission.

There being no further business, the Chair declared the meeting adjourned at 3:10 p.m.

Date Approved:

03-03-04

A large, stylized handwritten signature in black ink, likely belonging to the Chairman, is written over a horizontal line.

Chairman

ATTEST: Dell Anne Coulant

Secretary

