

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2442

Wednesday, April 5, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Bernard	Alberty	Boulden, Legal
Bayles		Chronister	
Cantees		Fernandez	
Carnes		Huntsinger	
Collins		Matthews	
Harmon			
Hill			
Jackson			
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 31, 2006 at 4:40 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 1st Vice Chair Ard called the meeting to order at 1:32 p.m.

Minutes:

Approval of the minutes of March 15, 2006 Meeting No. 2440

On **MOTION** of **CARNES**, the TMAPC voted 5-0-1 (Ard, Cantees, Carnes, Hill, Jackson "aye"; no "nays"; Bayles "abstaining"; Bernard, Collins, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of March 15, 2006, Meeting No. 2440.

REPORTS:

Director's Report:

Mr. Alberty reported that there are no items before the BOCC or the City Council. Mr. Alberty further reported that the report requested by the City Council regarding development on or near pipelines will be presented at the April 11th, Urban and Economic Development Committee meeting.

Mr. Ard asked Mr. Alberty about the worksession last week regarding the Zoning Code.

Mr. Alberty reported that there are no plans formulated at this time regarding additional meetings or night meetings. However, staff does anticipate additional meetings. He commented that in the past, there have not been evening meetings, and he is not saying that it shouldn't be done. However, staff followed procedures by notifying through the typical process, homeowner associations registered through the Mayor's office and staff feels that there is adequate notification. Typically issues regarding Zoning Code changes or amendments to zoning maps are done through the public hearing and the opportunity to voice those kinds of comments. He reiterated that staff is willing in this case to hold one evening meeting and possibly discuss this at the next worksession to see how the Planning Commission would like staff to handle this.

Mr. Ard asked staff if the next meetings regarding the Zoning Code would be posted on the website. Mr. Alberty answered affirmatively.

Ms. Bayles asked Mr. Ard if this could be discussed during the Commissioners' Comments. Mr. Ard answered affirmatively.

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Mr. Ard read the rules and guidelines for the TMAPC public hearing.

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Mr. Harmon in at 1:36 p.m.

Mr. Alberty informed Mr. Ard that there are several items on the agenda that have requested to be withdrawn: Items 12, 21 and 24.

There were no interested parties wishing to speak on items 12, 21 and 24.

Application No.: Z-7019

RS-3 to PK

Applicant: Robert Johnson/Debra Bradene Bachtell (PD-4) (CD-4)

Location: North of the northwest corner of South Louisville Avenue and East 21st Street

Applicant withdrew this application.

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Application No.: AC-080

ALTERNATIVE LANDSCAPING PLAN

Applicant: Jeffrey Levinson (PD-11) (CD-1)

Location: 1143 North 24th West Avenue

Applicant withdrew this application.

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Application No.: LC-14

Refund

Applicant: Sack & Associates (PD-1) (CD-4)

Location: 501 South Cincinnati

Applicant withdrew this application.

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PRELIMINARY PLAT:

Union Place – (8418) (PD 18) (CD 8)

Southwest corner of East 81st Street South and Garnett Road (continued from 3/15/06, **request continuance to 5/3/06** for further City Council and TAC review)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Carnes, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Collins, Midget "absent") to **CONTINUE** the preliminary plat for Union Place to May 3, 2006.

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SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18972 – Metisa Wilhelmsen (0227) (PD 11) (CD 1)

1815 North Gilcrease Museum Road

L-19938 – Boris Bogomilov (8326) (PD 26) (CD 8)

7114 East 101st Street

L-19943 – Steve Cox (9304) (PD 4) (CD 4)

321 South Urbana

L-19944 – Dennis Sadler (9230) (County)

6709 West 42nd Street

L-19945 – Tulsa Engineering & Planning (9329) (PD 6) (CD 9)

2722 East 45th Place

L-19948 – Sisemore Weise & Associates (0417) (PD 16) (CD 6)

4045 North Garnett Road

L-19955 – Kari Carney (7201) (County)

12605 South Elwood

STAFF RECOMMENDATION:

All these lot-splits are in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Carnes, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Collins, Midget "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

LOT COMBINATIONS FOR RATIFICATION OF PRIOR APPROVAL:

LC-14 – Sack & Associates (9201) (PD 1) (CD 4)

501 South Cincinnati

LC-15 – Lois Henderson (9010) (County)

21405 West 13th Place

STAFF RECOMMENDATION:

These lot-combinations are in order and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Carnes, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Collins, Midget "absent") to **RATIFY** these lot-combinations given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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Mr. Collins in at 1:43 p.m.

PLAT WAIVERS:

Unplatted Parcel – (2520) (PD 25) (CD 1)

3461 North Osage Drive

STAFF RECOMMENDATION:

The property in question is zoned IL and a cellular tower and accessory equipment will be installed on the site.

It is TMAPC's policy to waive the platting requirement for antennas and supporting structures under Use Unit 4 per the adopted Planning Commission policies.

Staff recommends **APPROVAL** of the plat waiver as requested.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bernard, Midget "absent") to **APPROVE** the plat waiver for unplatted parcel, 3461 North Osage Drive per staff recommendation.

West of the northwest corner of East 121st Street South and
Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 21 lots, two blocks, on 9.42 acres.

The following issues were discussed March 16, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD-677-A. This is the continuation of the Crestwood addition with more property included. This was just seen as PUD-677-A as a major PUD amendment. Put lot sizes on plat and make sure these sizes meet PUD requirements.
2. **Streets:** Label Reserve A as a Private Street. Southwest corner of the property is mislabeled; needs another East half for the West half of the West half and a point of beginning label. Curves C1 and C24 should have 30 foot radii. Since Reserve A is intended to serve as a utility easement, the language acknowledging that intent should be included to the same level of detail as is provided in the specific paragraph for the other utility easements in the plat. Alternatively, specific utility areas can be shown as overlapping on Reserve A. Suggest granting access to other subdivision lot owners due to the physical tie.
3. **Sewer:** The proposed easement between Lots 4 and 5, Block 2, must be increased to a minimum 15-foot easement. Easement must be provided along the south side of Lot 9, Block 2, to allow for sanitary sewer service. The proposed eleven-foot easement along the west boundary, adjacent to the unplatted property, must be increased to a 17.5-foot easement. (This includes Reserve B.) The area along the south must have written approval from Matt Vaughn, Lead Engineer of Wastewater Design Engineering Services. Sanitary sewer must be extended to serve Lot 9, Block 2.
4. **Water:** Show off-site existing 15-foot restricted waterline easement (r/w/e) book and page. Correct leader arrow for the 15-foot (r/w/e) easement along east 120th Street South. Show ten-inch utility easement along Block 2, Lots 5, 6, 7, 9 and 10 and Block 1, Lots 7 and 8.
5. **Storm Drainage:** Please show and label the limits of the Fry Ditch # 2 City of Tulsa Regulatory Floodplain on this property. Compensatory storage issues must be addressed. The storm sewers located between Lots 7 and 8 in Block 2 and between Lots 2 and 3 in Block 1 must be located in storm sewer easements with minimum widths of 15 feet. In Section I.H. language must be added for the City of Tulsa to maintain the public storm sewers

located in this reserve. We suggest the use of language similar that used in Section I.C.4. Language must be added to Section I.I. to address compensatory storage requirements. Please show the storm sewer connections from Reserve B in Crestwood at the River to Reserve B on this plat and between Reserves B and C on this plat. Additionally, show the outlet pipe from Reserve C.

6. **Utilities: PSO, ONG, Cable:** Additional easements will be needed.
7. **Other: Fire:** Use proper scale. Describe the legal to match the dimensions on the face of the plat.

Staff recommends **APPROVAL** of the preliminary subdivision 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.

TMAPC COMMENTS:

Mr. Harmon asked staff if sidewalks were addressed in this application. In response, Mrs. Fernandez stated that there is not a specific recommendation, but it is per the Subdivision Regulations and they would be required unless a waiver was requested. Staff has not received a waiver for the sidewalks.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that the sidewalk issue is later on the agenda. He indicated that he is in agreement with the staff recommendation as it is written.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bernard, Midget "absent") to **APPROVE** the preliminary plat for Crestwood at the River II, subject to special conditions and standard conditions per staff recommendation.

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West side of North Cincinnati Avenue between Latimer Place and Oklahoma Street

STAFF RECOMMENDATION:

This plat consists of 33 lots, three blocks, four reserve areas on 5.7 acres.

The following issues were discussed March 16, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-727 (RS-4). All PUD requirements must be met. Show sidewalks. Show fence easement/placement where required per PUD.
2. **Streets:** Show documentation for existing right-of-way dedications on Cincinnati and on residential streets. Label centerline of Cincinnati. Recommend separating into separate paragraphs the language for the mutual access easement and for the Reserve Areas A, C, and D, and replace accordingly all occurrences of "Resident Access Easements" since that term is not therein defined. Sidewalks must be shown on all residential streets where not already existing, i.e., south side of East Oklahoma Street, south side of East Newton Street, north side of East Latimer Place. The sidewalk on Cincinnati at the corner of East Latimer should be relocated to be entirely within the public right-of-way. Please discuss the status of the driveway easements shown. In Section II.C, please describe your proposed construction standards and the proposed inspection procedures for the private street.
3. **Sewer:** The existing sanitary sewer lines must be inspected for condition prior to development. If rehab is necessary, then it will be done at owners' expense.
4. **Water:** Water main extension required.
5. **Storm Drainage:** Use standard language for Section I.C. C. 2-4 does not contain this language. Please add existing and proposed contours, as required by the Subdivision Regulations.
6. **Utilities: PSO, ONG, Cable:** Additional easements may be needed.

7. **Other: Fire:** Provide comments in the covenants that if locks are installed on the walkthrough access gates, Knox brand key boxes or padlocks shall be installed to provide emergency access. Indicate the walkthrough access gates on the legend of each conceptual drawing. Reserve Area B needs language for creation, purpose, use and maintenance.

Staff recommends **APPROVAL** of the Amended Subdivision 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.

Mrs. Fernandez informed the Planning Commission that several people have come up prior to the meeting with concerns with the uses that would be allowed in this development. She reminded the Planning Commission that under the PUD format, the subject property is for single-family residential housing and the mutual access easement is for the subject development and does not replace an existing alley in the neighborhood.

TMAPC COMMENTS:

Mr. Ard asked staff if the only access points are the existing streets and there will not be any driveways off of Cincinnati. In response, Mrs. Fernandez stated that the access will be on the existing streets from the mutual access easement to the north of the lots.

Mr. Ard asked if the access to the individual homes would be from the alleyway on the west side of the lots. In response, Mrs. Fernandez stated that they can access the mutual access easement from the west side.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Stacy Holbert, 2011 East 50th Street North, 74130, stated that she is representing her fiancé and she is opposed to the proposal.

TMAPC COMMENTS:

Mr. Ard asked Ms. Holbert why she was opposed to the proposal. In response, Ms. Holbert stated that she just received the letter and she doesn't think the streets should be blocked off.

INTERESTED PARTIES:

Arolynn Smith, 1125 North Boston Place, 74106, stated that she is concerned about what will be coming through there and what type of wall would be placed there to separate her from the development. What purpose are the homes for and who are they to accommodate? There are enough homes in the subject

area that are vacant and abandoned. What benefit are these homes addressing and who are they addressing, who are they for. What purpose is there to block in the Cheyenne area? This area has been blocked in before when they had the Osage Apartments and all of that blocked in. People have the misconception of property values going up. How is the subject proposal going to increase the property value? Ms. Smith stated that the subject development will be an upgrade in the subject area; however, the existing homes are not worth but \$10,000 to \$30,000 and she doesn't understand how the new homes will improve the value of the existing homes.

TMAPC COMMENTS:

Mr. Ard explained that staff and the applicant will answer all of these questions after all of the interested parties have spoken.

Ms. Bayles stated that she is having difficulty following Ms. Smith's concerns about Cheyenne Avenue being blocked, which is four blocks to the west of the subject proposal. In response, Ms. Smith stated that she didn't know where it would start and she isn't sure what the purpose is to block Cheyenne.

Mr. Jackson stated that it appears the interested parties are under the impression that Latimer, Newton and Oklahoma will be closed and no longer through streets. Mr. Jackson asked staff to clarify that there will not be any streets closed with this project.

Mrs. Fernandez stated that there seems to be rumor that the streets would be closed and to her knowledge those things will not happen. Cheyenne Avenue will not be a part of this development. None of the streets will be blocked off and the mutual access easement that is going to be placed in the subdivision is part the subject property. The developer is creating their own access. Mrs. Fernandez stated that Darin Akerman is present and can answer several of the questions regarding who owns the property and what type of housing is being proposed. The circulation for the subject property should be similar to what exists in the subject neighborhood.

Mr. Ard asked staff if the existing streets that are currently opened will remain opened. In response, Mrs. Fernandez stated that the streets will remain opened. Mr. Ard stated that basically, the applicant is creating a mutual access easement down the alleyway that runs north and south and there are no streets being closed. In response, Mrs. Fernandez answered affirmatively.

Mr. Midget in at 1:53 p.m.

INTERESTED PARTIES:

B.J. Bullock, 1301 North Cheyenne Avenue, 74106, President of Cheyenne Park Neighborhood Association, stated that according to the map it indicates that streets will be closed. How can there be a gated community and not close

streets. This proposal will mess with the integrity of the subject area. The neighbors want complete access in and out of their community. There was not adequate notification and she was never sent anything. She found out about this by accident. There were only two people notified about this application. Ms. Bullock commented that she should have been notified since she is the President of her HOA. She indicated that she is a member of the Tulsa Development Authority Steering Committee for over one year and she has been fighting to prevent the street closings.

Ms. Bullock stated that the neighborhood doesn't want this development called "Brady Village" because it is an insult. This is Cheyenne Park and the development should be called the same. The neighborhood doesn't want to see anything called "Brady" in their area. She requested that the Planning Commission take this all into consideration because it is very important to the neighborhood and it is where they live. She commented that the neighbors want to see the subject area as nice as anywhere else. According to the minutes that are on the internet, it says that this will be a gated community and how can it be gated if the streets are not closed.

TMAPC COMMENTS:

Mr. Jackson explained to Ms. Bullock that the subject property goes from block to block and there will be no street closings. All of the streets that run east and west will remain as they are now. The proposed houses will not have access off of Cincinnati and the only access they will have is off of the side streets. He further explained that the homeowners will turn on to Latimer and then enter from the rear of their property.

Ms. Bullock stated that this was what she understood from the Steering Committee and there was also another developer who was going on this plan. She indicated that he had promised that the streets would not be closed. Ms. Bullock commented that she knew there was going to be an access street. In response, Mr. Jackson stated that they are not closing the streets.

Ms. Bullock asked why the map is showing that there is a total close-off from Oklahoma to Latimer. Mr. Midget stated that Ms. Bullock is looking at a case map, which shows the zoning and none of the streets running east and west will be closed. The preliminary plat drawing shows very clearly that each one of those streets is opened all the way to Cincinnati. Ms. Bullock stated that with all due respect, she would differ because the plat map she has shows differently. In response, Mr. Jackson stated that the map Ms. Bullock has is not a plat map but a zoning case map. Ms. Bullock stated that she did request that the subject property remain zoned residentially.

Mr. Jackson asked staff to show a case map on the screen and then the preliminary plat. Mr. Jackson pointed out the difference in the purpose and use

of the two documents. He reassured Ms. Bullock that there are no proposals to close any streets.

Ms. Bullock stated that the neighborhood has received these promises before. In response, Mr. Midget stated that this is fact and not a promise.

Ms. Bullock asked how one can have a gated community without closing the street. In response, Mr. Jackson stated that the neighborhood will be from block to block. He explained that going north on Cincinnati then left onto Newton and then after 120 feet, left and through a gate. All of the garages will be in the back of the house because they can't access onto Cincinnati. In response, Ms. Bullock stated that she understood that.

Mr. Jackson stated that there will be a gate on Marshall and a gate on Newton for access only into their properties.

Ms. Bullock stated that she doesn't think anyone wants access to it and asked why it is being gated off like that. She commented that it appears that these homes have some type of priority by being fenced in. The neighbors don't want that. In response, Mr. Jackson stated that this was a decision of the developer. Ms. Bullock stated that the neighbors do not want it to be called Brady Village. In response, Mr. Jackson stated that the Planning Commission doesn't have any say regarding the name of the development.

Mr. Ard stated that he would have the applicant come up and try to answer these questions.

Mr. Jackson asked Ms. Bullock if she understands that Newton, Latimer, Marshall and Oklahoma will not be closed. In response, Ms. Bullock answered affirmatively. Mr. Jackson stated that there will not be anything different with the streets from the way they are today. Ms. Bullock stated that there are still some other issues that need to be addressed.

Mr. Jackson informed the interested parties that Mr. Akerman would be available after the meeting to discuss their issues and answer their questions regarding the screening wall and the name of the development.

INTERESTED PARTIES:

Hattie Sue Coleman, 1129 North Boston Place, 74119, stated that it seems that her questions have been answered. She indicated that she would prefer a wall between her property and the proposal rather than a fence.

Wanda Jackson, no street address given, East Queen Street, stated that her parents have lived on East Newton for years. She questioned what type of single-home dwellings would be on the subject property, would they be apartment homes or would they be something else?

Mr. Ard stated that single-family means that they would be for single-family structures with garages. There will not be any apartments, condos or attached type of dwellings.

Ms. Jackson asked what the price range would be for these homes. Will the homes face Cincinnati?

TMAPC COMMENTS:

Mr. Jackson stated that the homes would have the garages in the rear and the front will be facing Cincinnati. The only thing seen from the street would be windows and doors. The garages are attached to the homes and entered from the rear of the subject property.

Ms. Jackson asked if the applicant will be creating an alleyway for them to access their homes. In response, Mr. Jackson stated that they would be creating a private drive.

Applicant's Rebuttal:

Darin Akerman, Sisemore, Weisz and Associates, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that there will be no street closures. The side streets will remain totally opened. There will be access gates to provide access to the alleyway for access to the subject homes. All streets shown on the plat will remain opened.

Mr. Akerman stated that most of these issues were discussed during the PUD and the City Council meeting. There will be single-family dwellings and in the PUD it shows that there are six to eight different floor plans. These will be cottage-styled homes upon these lots. Generally, there are different people with different needs and some will have different-sized dwellings ranging from 1200 SF to 2000 SF. All homes will face Cincinnati with a decorative wrought-iron style of fencing that will be in front of the subject property and will wrap around to each of the side streets. The rear of the property will have either a masonry fence or a wood/masonry combination fence.

Mr. Akerman concluded that there will be no street closures and the subject properties will be supported by a rear drive that will be gated. This will be a nice project and a positive influence on the area with a positive impact. He understands that with new development there are concerns but it is a really viable and reasonable use of the subject property.

TMAPC COMMENTS:

Mr. Jackson stated that the interested parties have made a comment about the name of the project. He asked how far the developer has gotten with the name and if it is too late to have some neighborhood input to give it a more neighborhood-friendly name.

Mr. Akerman stated that the developer is on a business trip out of state, but he could speak with him on that. After some research, the applicant chose the Brady Village and he isn't sure if he has already done his marketing publications. Mr. Akerman offered to speak with the developer about the name and if it would be possible to change the name of the development.

Mr. Jackson requested that Mr. Akerman meet with Ms. Bullock and set up a meeting to discuss these issues.

Mr. Jackson asked Mr. Akerman if the screening fence would be masonry or wood/masonry combination. In response, Mr. Akerman stated that the PUD and the deed text indicates that the screening fence has to either masonry or wood/masonry combination. Mr. Akerman explained that the developer hasn't created a plan for the screening wall at this time.

Mr. Jackson suggested that Mr. Akerman and his client should decide on the screening fence because the interested parties want to know what materials will be used and how it will look.

Mr. Jackson suggested that Mr. Akerman set up a meeting with TDA, the developer and the neighbors to discuss all of the issues. In response, Mr. Akerman stated that he believes that he has been transparent throughout the process and hasn't been trying to hide anything. Mr. Akerman further stated that he would be happy to meet with the neighbors.

TMAPC Action; 9 members present:

On **MOTION** of **JACKSON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bernard "absent") to **APPROVE** the preliminary plat for Brady Village, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Mr. Midget out at 2:10 p.m.

Scissortail at Wind River – (8333)

(PD 26) (CD 8)

East of Delaware at East 118th Street South

STAFF RECOMMENDATION:

This plat consists of 68 lots, six blocks, on 23.3 acres.

The following issues were discussed March 16, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 726. Show lot square footages. Make sure maintenance for common area/streets is supplied by Homeowners Association. Show clearly private to public street connections. Show LNA and gated access, especially along Delaware. There were many problems with trail/right-of-way/landscaping on nearby additions along Delaware Avenue, so the right-of-way needs to be shown property.
2. **Streets:** The South Delaware Avenue right-of-way dedication by this plat needs to be labeled as such. The width and alignment of the dedication appears satisfactory, with the exception of the northwest corner; drop the 85.90 feet of 1134.98 feet radius curve and extend the 110.18-foot tangent to the north plat boundary line. Label centerline of South Delaware Avenue. Section II.B. reference to Section II for the homeowners' association near end of first paragraph should be corrected to reference Section IV. Sidewalks are required on all streets. Show LNA along Delaware. Additional Reserve may be necessary to accommodate a gated entry with moderate capacity. Include language in the last paragraph of Section II B granting the Sequoyah Hills lot owners access via the private streets. Recommend increasing the capacity of the gated entry in order to provide for moderate volume for both visitor parking and turnaround. Add striping for two outbound lanes for the 118th Street collector intersection.
3. **Sewer:** Add 15-foot easement through Reserve G where the sanitary sewer lines cross. If you wish to add Reserve G to the list of reserves that allow utility use, then you may ignore the plat comment to add an easement. In Lot 1, Block 1, the northwest corner shows an angle that will cause a maintenance problem. You need to add another manhole so the angle will be a minimum of 90 degrees. This comment came from Engineering Services Wastewater Design.
4. **Water:** Show book and page for existing water line easement along South Delaware Avenue. A water main extension is required.
5. **Storm Drainage:** Please define B/U in the legend and label. Complete the document numbers for the existing separate instrument storm sewer easements. *The City of Tulsa is considering the adoption of the 1986 Arkansas River Flooding Base Flood Elevation (BFE) as our Regulatory Flood Water Surface Elevation. If adopted this would apply to properties which were in this Arkansas River Floodplain. The owner may want to direct his engineer to design for this level of protection. Please label the South Tulsa Basin Tributary E and Tributary F City of Tulsa Regulatory Floodplains as such. Please use the City of Tulsa's standard language for Section I.C.*
6. **Utilities: PSO, ONG, Cable:** Additional easements and covenant language are needed.

7. **Other: Fire:** Fire Department access shall be maintained at the following locations: Street A where it intersects Delaware Avenue. Street A where it intersects Street B. Street A where it intersects New Haven Avenue. New Haven Avenue where it intersects 118th Street South. The requirement is for 20 feet of unobstructed access width per IFC 503.2.1. Submit detailed drawings for these intersections and obtain approval from the Fire Department. Label all streets with official street names per the house numbering section of Development Services. Show the point of beginning on face of plat and dimension it to the nearest section corner. Label the Tulsa City Limit line. Dimension to the Government meander line. Show the utility easement dimension in Block 2 along Delaware Avenue. Show points of tangents and curves along curves. Show the government lots used in the description.

Staff recommends **APPROVAL** of the amended subdivision 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.

Mrs. Fernandez read the comments from Stormwater in line item 5 (Italics) of the above report. She commented that this is a milestone as far as future development if this does occur, and she felt it should be stated in order to put everyone on notice that the floodplain may be considered different in the future. Mrs. Fernandez concluded by stating that Public Works Department has an excellent stormwater drainage program based upon the problems that the City has had in the past.

Ms. Hill thanked Mrs. Fernandez for keeping everyone aware of the stormwater drainage issues.

Ms. Bayles asked Mrs. Fernandez if there is a timeline for the consideration regarding line item 5. In response, Mrs. Fernandez stated that she doesn't have a timeline.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bernard, Midget "absent") to **APPROVE** the amended preliminary plat for Scissortail at Wind Rivers, subject to special conditions and standard conditions per staff recommendation.

* * * * *

MINOR SUBDIVISION PLATS:

Rockford Village – (9330)

(PD 6) (CD 9)

East of the southeast corner of East 41st Street South and
Peoria Avenue (continued from 3/15/06)

STAFF RECOMMENDATION:

This plat consists of 15 lots, one block, on 4.47 acres.

The following issues were discussed March 2, 2006 and March 16, 2006 at the
Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RM-2. There were two board of adjustment actions for this property – BOA 19931(varied the requirements for frontage for each lot to be on a public street and reduced the landscaped area from the perimeter driveways and parking areas from five feet in width to two feet in width, and granted a Special Exception to permit offices, studios and support services in an RM-2 zone subject to OM district bulk and area requirements) and BOA 20192 (varied the frontage from 100 feet to 60 feet, varied the office use lot size from 12,000 square feet to 9,000 square feet). Lot 2, Block 1, does not meet the 9,000 square foot minimum. Streets are already in the development.
2. **Streets:** There are no construction standards to assure the Planning Commission and the public what was built for a private street. The rear drives were originally proposed as 18-foot alley-ways for garage access only. The new concept appears to be 17.5 (20.5-foot – three-foot LE) or even 17-foot curb to curb for significant parking lot access. Suggest 18 foot as a minimum. Most of the drive's radii should be increased from ten feet to 20 or 25 feet. Recommend 17.5-foot utility easement adjacent to the 41st Street right-of-way. Section IV needs to specify "mutual access easement or MAE..." and not just "access easements."
3. **Sewer:** A wall will not be allowed along the east property line within the fence/landscaping easement because there is an existing sanitary sewer main in the area. An SSID will be required for the proposed main extension and for removing the section of pipe.
4. **Water:** Lots 10 and 12 of Block 1 do not have access to the existing six-inch water line. On Lots 4 and 3, the waterline easement edge and the building edge are the same, which could create a possible encroachment by the footing of the buildings into the water line easement. The existing two-inch water main does not exist and should not be shown.

5. **Storm Drainage:** Show and add vacation information for the existing storm sewer easement, where the storm sewer is being removed from Lot 3. All existing storm sewer easements must be labeled with their filed book and page and/or plat numbers. Add standard language for the overland drainage easements. The buildings on Lots 1, 2 and 4 appear to be on the adjacent storm sewer. Neither the building, nor its foundation or stem walls may be allowed to encroach on an easement.
6. **Utilities: PSO, ONG, Cable:** Additional easements may be necessary.
7. **Other: Fire:** Fire department access roads shall be per IFC. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. **Exception: The fire code official is authorized to increase the dimension of 150 feet where:**
 1. **The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.1.1, 903.3.1.2 or 903.3.1.3.**
 2. **Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.**
 3. There are not more than two groups R-3 or groups U occupancies. 508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6. 508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1) For group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2) For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.

The plat is too complex and has too many deficiencies to be considered for a Minor Subdivision Plat. Are there easements to be vacated where the existing sanitary sewer, storm sewer, and waterline are being removed on Lots 2 and 3?

Staff recommends **APPROVAL** of a preliminary plat for this subdivision and **not** a *minor subdivision* as originally submitted, 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; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, "aye"; no "nays"; none "abstaining"; Bernard, Midget "absent") to **APPROVE** the preliminary plat for Rockford Village, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Mr. Midget in at 2:15 p.m.

CHANGE OF ACCESS ON RECORDED PLAT:

Part of Lot 1, Block 1, of Koger Executive Center II- (PD 17) (CD 5)
(9419)

Northwest corner of East 41st Street South and South 102nd
East Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access along East 41st Street. The property is zoned CS.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bernard "absent") to **APPROVE** the change of access on recorded plat for Part of Lot 1, Block 1, of Koger Executive Center II per staff recommendation.

Unplatted Lot – (8316)

(PD 18B) (CD 8)

North of 91st Street, west of Yale Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access along Yale Avenue. The property is zoned OL.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bernard "absent") to **APPROVE** change of access on recorded plat for Unplatted Lot, located North of 91st Street, west of South Yale Avenue per staff recommendation.

Mr. Boulden, Legal, stated that he had a question on Item No. 9. He wanted to make sure that he understood what happened since it was on the agenda as a minor subdivision plat and then was approved for a preliminary plat.

Mrs. Fernandez stated that if things are not in order for a minor subdivision, then it automatically becomes a preliminary plat per the Subdivision Regulations. The

Technical Committee had heard this application twice and decided it was appropriate to be a preliminary plat as stated in the Subdivision Regulations, rather than a minor subdivision plat. The minor subdivision plat is on the agenda as it was applied for and then per the Regulations, it automatically turns into a preliminary plat if it doesn't meet the requirements.

Mr. Boulden stated that he just wanted that clarified. He doesn't have any concerns about the fact that the Planning Commission took action on this as a preliminary plat, because the public has notice that a plat was before the Planning Commission to be approved.

Mr. Ard stated that Mr. Carnes clarified that his motion was for a preliminary plat and not a minor subdivision. He believes that the Planning Commission knew what they were voting on.

Mr. Boulden stated that his concern was with how it was posted on the agenda and he is comfortable with it at this point.

* * * * *

Ms. Cantees out at 2:19 p.m.

ZONING PUBLIC HEARING

Application No.: PUD-728

Applicant: Charles Norman (PD-4) (CD-4)

Location: East and west sides of South Trenton Avenue, between East 12th Street and East 13th Street

STAFF RECOMMENDATION:

BOA-20198 February 2006: The Board of Adjustment denied multiple requests for Special Exceptions to permit off-street parking, residential treatment & transitional living center and to have those uses within ½ mile of other such facilities AND multiple requests for Variances of setbacks, screening, minimum lot size, of minimum frontage requirements all to permit the expansion of the existing facility. The Board denied these requests finding that this was not the correct venue and that a PUD should be required on subject property.

PUD-697 February 2004: All concurred in approval for Hillcrest Medical Center to develop .46± acres for private parking, located on the southeast corner of East 13th Street South and South Utica Avenue.

Z-6935 April 2004: All concurred in an approval for a request to rezone a 4.5± acre tract from RM-2/PK/OL/CH to OH for the eastern two-thirds (207') of the site and OMH on the western one-third (103') of the site on property located west of the southwest corner of East 11th Street and South Trenton.

PUD-432-E October 2000: A major amendment to PUD-432-D to add a tract of land formerly occupied by the day-old bakery store and to add to the existing PUD, Development Area D into Development Area C for additional retail floor area, allowing Convenience Goods and Services and Shopping Goods and Services to the PUD which would allow a new gift, newspaper stand, souvenir shop and thrift store. The property is located between South Utica Avenue and South Victor Avenue, East 11th Street and East 12th Street, the amendment was unanimously approved

Z-6613 February 1998: A request was filed to rezone a 4.4-acre tract located on the northeast corner of East 12th Street and South Trenton Avenue, zoned RM-2 and OL, and a smaller tract consisting of two small lots located south of the southeast corner of East 11th Street and South Utica Avenue and zoned CH. The larger tract is east, across South Trenton Avenue, from subject property. CH or OH zoning was requested for a proposed medical center; staff and TMAPC recommended OH zoning on both tracts and City Council concurred.

BOA-17860 October 1997: The Board of Adjustment approved a request for a special exception to permit a parking garage as an accessory use to a hospital and a variance of the building setback to permit a parking structure on the southwest corner of East 11th Street and South Utica Avenue.

BOA-17654 March 1997: The Board approved a *Special Exception* to permit property in an RM-2 district to be used for office purposes under the development standards and restrictions of the OL zoning district and in accord with the site plan approved by the Board; and approved a *Variance* to permit three of the required off-street parking spaces to be located on a lot other than the lot containing the principal use; per plan submitted; located at (lots 38-40, block 6 and lots 1-2, block 9 of Forest Park Addition) 1242 South Trenton Ave.

PUD-432-D August 1995: All concurred in approval of a major amendment to expand the existing PUD to the east allowing for additional medical office and hospital buildings. The property is located between Utica and Xanthus Avenues from East 11th Street to East 13th Street.

BOA-16435 September 1993: The Board approved a *Special Exception* to permit a transitional living center and a residential treatment center in an RM-2 zoned district; finding that there are numerous medical uses in the area; finding that the center has been at the current location for several years, and has proved to be compatible with the neighborhood; located on lots 27-32 on the subject property. (This permitted the existing facility on the subject property).

BOA-16191 November 1992: The Board approved a *Special Exception* to permit off-street parking in an RM-2 district; approved a *Variance* of the screening requirement and approved a *Variance* of the setback requirement from the centerline of East Trenton from 50 ft. to 35 ft.; subject to plans submitted; finding the use appropriate and consistent with other uses in the area; and finding that the screening is not necessary as

the property to the south has screening and a garage along that property line; located on lots 33, 34, and part of 35 on the same block containing the subject property, to permit the existing parking lot south of the facility.

PUD-432-C January 1991: All concurred in approval of a request for a major amendment to expand the boundaries of the original PUD-432 to the east; and to reallocate floor area within the PUD development areas.

Z-6244 August 1989: A request to rezone a 0.06-acre tract located on the east side of South Utica Avenue and South E.11th Street from CH to OH. All concurred in approval of OH on the north 288' and OMH on the balance.

PUD-432-B May 1989: All concurred in approval of a request for a major amendment to allow a second medical office building in a development area originally designated for parking, and to reduce the parking requirements.

BOA-15098 April 1989: The Board approved a *Variance* of the number of required off-street parking spaces from 38 to 10; subject to the execution of a tie contract tying the lot in question to either of two lots for additional required parking one located on the southwest corner of 12th and Trenton, and the other located on the southwest corner of 13th and Trenton (withholding occupancy until this transaction has been completed); at 1228 South Trenton Avenue (Lot 7, Block 6, south of the subject property.)

BOA-15062 February 1989: The Board approved a *Special Exception* to allow for administrative office uses in an RM-2 zoned district; finding that there are mixed uses in the area; located on 1228 South Trenton Avenue, Lot 7, Block 6 abutting to the south of the subject property.

Z-6213 January 1989: All concurred in approval of a request to rezone a 0.4-acre tract located on the southeast corner of East 12th Street and South Utica Avenue from OL, RM-2 and PUD-432 to OMH/PUD-432-A.

PUD-432 November 1987: All concurred in approval to develop 4.5 acres located between South Utica Avenue and South Victor Avenue, from East 12th Street to East 13th Street for hospital and office uses.

BOA-12551 April 1983: The Board approved a *Special Exception* to allow off-street parking in an RM-2 district, subject to the applicant returning to the Board with a layout plan of the parking, landscaping and proposed lighting; located at 11th Street to 12th Street and Trenton Avenue to St. Louis Avenue.

BOA-12021 June 1982: The Board approved BOA-15062; on 2.16.89, a *Variance* of the setback of 25' from abutting R districts and of the floor area ratio of .5; and a *Variance* of the height restriction and the side yard requirement; and a *Variance* for off-site parking and loading berths, to be approved as requested, per plot plan, and as advertised, and only applying to the area shown on the plot plan, and that the lot in question on St. Louis Avenue marked as future parking lot would be presented to the Board at a later time before any action is taken on that lot; located at 1620 East 12th Street.

BOA-6530 December 1969: The Board approved a *Special Exception* to permit establishing off-street parking in conjunction with the Tulsa Psychiatric Foundation in a U-2B (restricted apartments) district; located on Lots 27 and 28 of the subject property.

BOA-6202 March 1969: The Board approved a *Special Exception* to permit establishing off-street parking for the Tulsa Psychiatric Foundation in a U-2B (restricted apartments) district, subject to the tract being hard-surfaced, and the residences removed, located on lots 29-32, block 6 of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10± acres and is located on the east and west sides of South Trenton Avenue between East 12th Street and East 13th Street.

The property is currently being used for mental healthcare and related services and is zoned RM-2.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Trenton Avenue	Residential	50'	2 lanes
East 12 th Street	Residential Collector	60'	2 lanes
East 13 th Street	Residential Collector	60'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is surrounded by OH-zoned Hillcrest Hospital and RM-2-zoned Parkside Mental Health Care Center and related uses to the north and east; RM-2-zoned related Parkside facilities to the south with one residential dwelling in between; and RM-2 residential to the west. Farther south across East 13th Street are apartments and parking lots related to the apartments and Parkside offices.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as part of the Hillcrest Healthcare System Special District. The Comprehensive Plan provides the following guidelines to development in this area:

1. Existing residential land use in this area should be protected from potentially adverse effects of adjacent medium and high intensity uses by screening and buffering.
2. Development within this area should be limited to residential, health, and health-related uses.
3. Hillcrest Healthcare System and Mental Healthcare Services, Inc. (which also includes Parkside Hospital and Tulsa Psychiatric Center properties) should submit master plans for review and adoption prior to consideration of any further major expansion programs. Furthermore, any major expansion programs for

- Tulsa Psychiatric Center properties shall require the filing of a PUD and/or PUD amendment.
4. Adequate off-street parking facilities, in conjunction with health and related uses, should be attractively landscaped and maintained.
 5. All new buildings along Utica Avenue south of 11th Street in this Special District should be built a minimum of 50 ft. from the centerline of Utica Avenue.
 6. Where the physical facts warrant a waiver of the right-of-way designated on the Major Street and Highway Plan, a minimum of 40 ft. of R-O-W and a 10 ft. utility easement should be obtained by the TMAPC when replatting and/or granting plat waivers.
 7. As development and redevelopment occur with this Special District, developers are encouraged to provide full and safe accessibility to meet the needs of the disabled, particularly clients of Murdock Villa, Ability Resources and the Center for Individuals with Physical Challenges in this area.
 8. As transition occurs from previous land use to health, hospital-related and/or compatible uses, developers are encouraged to minimize adverse impacts on adjacent low intensity (residential) uses by assembling several parcels, when feasible, rather than by spot development.
 9. A traffic impact study of the area should be done prior to any major expansion of either Hillcrest Healthcare Systems or Parkside Mental Healthcare Services, Inc.

STAFF RECOMMENDATION:

The Tulsa Psychiatric Center owns, and Parkside, Inc. operates, the Tulsa Center for Adolescent Treatment on the west side of South Trenton Avenue, south of East 12th Street. The Center was approved by the Board of Adjustment in Case Number 16435 as a transitional living center and residential treatment center in an RM-2 district.

The existing 7,250 square feet building provides facilities for 16 male and female adolescents between the ages of 12 and 17. The facility was operated as an adult treatment center for many years until November of 2002, when the center was converted to adolescent treatment. The length of stay of patients varies considerably depending on their individual diagnoses and responses to treatment. The 16 existing beds have been consistently full for several years. Since April 2005, more than 250 requests for admission have been denied because of lack of capacity.

The community-based directors of the Tulsa Psychiatric Center have authorized and will fund the expansion of the existing adolescent treatment facility within Area One to increase the patient capacity from 16 to 40, as shown on Exhibit A, Concept Illustration. The parking required for the expanded Tulsa Center for Adolescent Treatment will be provided within the north part of Area Two across South Trenton Avenue as shown on Exhibit A. The Board of Adjustment in Case Number 20198 on February 14, 2006 found that a planned unit development would be necessary to permit the proposed expansion as shown on the Concept Illustration.

The purposes of the planned unit development are to permit the proposed expansion of the Center for Adolescent Treatment in Area One with required parking provided in Area Two on the east side of South Trenton Avenue and to provide for the future development of the south part of Area Two for offices, medical clinics and residential treatment facilities. As of this time, neither the Tulsa Psychiatric Center or Parkside, Inc. have any specific plans for further expansion or building additions; however, the planned unit development as proposed will provide flexibility for future planning and establish

development guidelines for utilization of the properties owned by Tulsa Psychiatric Center in Areas One and Two.

The Parkside Community Psychiatric Services and Hospital, also owned by Tulsa Psychiatric Center, is located immediately east of Area Two on land owned by the City of Tulsa and leased to Tulsa Psychiatric Center. Because there is frequent pedestrian traffic between these two facilities, adequate sidewalks and crosswalks must be provided to assure visibility and safety of pedestrians.

For the most part, parking in Area One is accessed from the alley west of South Trenton Avenue. The east side of Area Two is adjacent to the Parkside Community Psychiatric Services and Hospital buildings. Consequently, the Board of Adjustment in previous action has waived the requirement of screening fences along the west boundary of Area One and the east boundary of Area Two. A ten-foot-high screening wall is proposed along the north boundary of Area One for security purposes.

Based upon the proposed Development Standards as modified by staff, staff finds PUD 728 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 728 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 ONE:

AREA (GROSS): 1.94 Acres 84,600 SF

PERMITTED USES:

Principal uses permitted as a matter of right in the OM district, Use Unit 2, Residential Treatment Center and Transitional Living Center only, Use Unit 11, Off-Street Parking and uses customarily accessory to permitted uses.

MAXIMUM BUILDING FLOOR AREA:

Existing buildings (16,550 square feet) plus 17,000 square feet for a one-story addition to the existing Residential treatment Center and Transitional Living Center.

MAXIMUM BUILDING HEIGHT:

Existing administration building	45 FT
Other buildings	30 FT

MINIMUM BUILDING SETBACKS:

From the center line of East 12 th Street	50 FT
From the center line of South Trenton Avenue	40 FT
From the west boundary (alley)	10 FT
From the south boundary of Area One (existing building)	25 FT

MINIMUM PARKING AREA SETBACKS:

Existing – From the center line of South Trenton Avenue	30 FT
Additional – From the center line of South Trenton Avenue	45 FT

OFF-STREET PARKING:

As required by the applicable Use Units. Required off-street parking for Area One uses may be provided in Area Two.

MINIMUM INTERNAL LANDSCAPED OPEN SPACE:

Existing buildings: Lot 2, Block 1, as shown on the Concept Illustration.

Proposed addition to Residential Treatment Center and Transitional Living Center, Lot 1, Block 1	15%
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Internal landscaped open space shall be improved in accord with the provisions of the Landscape Chapter of the Zoning Code.

SIGNS:

One ground sign for each lot not to exceed eight (8) feet in height and 32 square feet of display surface area may be erected within Area One. Building directories and occupant identity signs may be attached to building walls as permitted under the Zoning Code.

LIGHTING:

Lights, whether building or pole mounted, within Area One shall not exceed 15 feet in height and shall be hooded and directed downward and away from the west and south boundaries. Partial illumination of adjacent roadways within and abutting Area One site for pedestrian safety and security may be allowed with design approval by TMAPC at the PUD Detail Site Plan approval process.

SCREENING WALLS:

Perimeter screening is not required; however, TMAPC approval shall be required.

DEVELOPMENT AREA TWO

AREA (GROSS):	2.09 Acres	91,140 SF
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PERMITTED USES:

Uses permitted as a matter of right in the OM district, Use Unit 2, Residential Treatment Center and Transitional Living Center only, Use Unit 5, Hospital only, Use Unit 11, Off-street Parking and uses customarily accessory to permitted uses.

MAXIMUM BUILDING FLOOR AREA:

Existing south building (4,000 square feet) plus 48,500 square feet for future buildings'.

TOTAL

52,500 SF

MAXIMUM BUILDING HEIGHT:

60 FT

MINIMUM BUILDING SETBACKS:

From the center line of South Trenton Avenue	40 FT
From the center line of East 13 th Street	50 FT
From the east boundary (alley)	10 FT
From the north boundary	10 FT

MINIMUM PARKING AREA SETBACKS:

Existing – From the center line of S. Trenton Ave.	30 FT
Additional – From the center line of S. Trenton Ave.	45 FT

OFF-STREET PARKING:

As required by the applicable Use Units.

MINIMUM INTERNAL LANDSCAPED OPEN SPACE:

15%

Existing building; Lot 2, Block 2, as shown on the Concept Illustration.

Future Buildings:

Internal landscaped open space shall be improved in accord with the provisions of the Landscape Chapter of the Zoning Code.

SIGNS:

One ground sign for each lot not to exceed eight (8) feet in height and 32 square feet of display surface area may be erected within Area Two. Building directories and occupant identity signs may be attached to building walls as permitted under the Zoning Code.

LIGHTING:

Lights, whether building or pole mounted, within Area Two shall not exceed 20 feet in height and shall be hooded and directed downward away from the west and south boundaries. Partial illumination of adjacent roadways within and abutting Area One site for pedestrian safety and security may be allowed with design approval by TMAPC at the PUD Detail Site Plan approval process.

3. Sidewalks shall be required along East 12th Street and East 13th Street, and on both sides of South Trenton Avenue. In addition, a crosswalk on South Trenton Avenue is recommended to provide safe access from parking in Development Area Two to buildings in Development Area One.

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 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 occupancy or at the soonest appropriate planting time. 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, 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 (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), 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. Compliance with these standards and with the City of Tulsa Zoning Code must be qualified per application of the Kennebunkport Formula. Calculations must include consideration of topography.
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. 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.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. 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.

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

TAC Comments from 3-16-06:

General – No comments.

Water – No comments.

Fire – No comments.

Stormwater – No comments.

Wastewater – No comments.

Transportation – Must have sidewalks on all streets and meet right-of-way requirements of Major Street and Highway Plan.

Traffic – Recommend a 25 ft radius at the 12th Street intersection.

GIS – No comments.

County Engineer – No comments.

Mr. Midget out at 2:22 p.m.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, representing Tulsa Psychiatric Center, which owns and operates the center for adolescent treatment, stated that the existing facility has provisions for 16 beds. He explained that the proposal is not a correctional institution or pre-release center, but it is a part of the hospital services provided by Parkside. Mr. Norman submitted photographs and described the proposal (Exhibit A-1).

Mr. Norman indicated his agreement with the staff recommendation.

TMAPC COMMENTS:

Ms. Bayles asked Mr. Norman if there is a reason why the resident at the end of 13th and Trenton is not a part of this development. In response, Mr. Norman stated that the Tulsa Psychiatric Center (TPC) owns all of the property from Development Area 1 and northward to 12th Street. There is one single-family residence that they do not own and could not include it in the PUD. The property on the east side of Trenton is all owned by the TPC except the property at 12th and Trenton, which is owned by Hillcrest.

Ms. Bayles asked if the property owner of the single-family residence had any interest in having their property made part of the PUD. In response, Mr. Norman stated that it is not a part of the PUD. He explained that nothing is changing in respect to the single-family home because the existing three-story building is located immediately north and a parking area separate it.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bayles, Carnes, Collins, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Midget "absent") to recommend **APPROVAL** PUD-728 per staff recommendation.

Legal Description for PUD-728:

Area One: All that part of Lots 3,7, and 23 through 34 and the north 15 feet (15') of Lot 35, Block 6, Forest Park Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, and the abutting vacated west ten feet(10') of South Trenton Avenue; And **Area Two:** All that part of Lots 5, 10 and 15 through 28 of Block 7, Forest Park Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma **from RM-2(Residential Multi Family District) to RM-2/PUD (Residential Multi Family District/Planned Unit Development [PUD-728]).**

Application No.: Z-6910-SP-2

CORRIDOR SITE PLAN

Applicant: Sanders Engineering, Inc.

(PD-18) (CD-8)

Location: 10102 East 91st Street South

STAFF RECOMMENDATION:

Z-6910-SP-1 – December 11, 2003, City Council unanimously approved a corridor site plan for a four-story medical office building on the subject tract.

Z-6910 – November 6, 2003, City Council unanimously approved CO zoning for the subject tract.

Z-6538-SP-2 – August 5, 1999, City Council approved a corridor site plan for a three-story medical office building with frontage on South Mingo Road, located south of the subject tract.

Z-6503-SP-1 – June 16, 1999, City Council unanimously approved a corridor site plan for an outdoor advertising sign on property adjacent to the east of the subject tract.

PUD 559-A/ Z-5888-SP-1 – May 1997 City Council approved Development Area A of PUD 559-A/ Z-5888-SP-1 corridor site plan; October 1997 City Council approved Development Areas B and C. Uses permitted were hospital, medical office building, university and residential.

Z-6503 – October 23, 1995, City Council unanimously approved CO zoning for property adjacent to the east of the subject tract.

Ordinance Number 17009 – July 1, 1988, City Council approved rezoning from AG to CO of property adjacent and west of the subject tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is the former location of Stringer Nursery. Most of the property is at a higher elevation than East 91st Street South and slopes generally from east to south, with scrub trees and brush along the west, south and east perimeter.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
91 st Street South	Secondary Arterial	100'	5 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the east by vacant land zoned CO; on the south by vacant land zoned AG; on the west by vacant land zoned AG and a residential use zoned CO. To the north across East 91st Street South is PUD 559-A, also with CO zoning, on which is located a multi-story medical office building.

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 Corridor District, which means allowable uses are either Corridor or low intensity. The requested corridor site plan **is in accord** with the Plan.

STAFF RECOMMENDATION:

In 2003, TMAPC and City Council approved Z-6910-SP-1 for development of a four-story office building on the subject tract. Since that time, the developer has

reconsidered the best and most marketable use for the property and now seeks to redevelop the site as an office park of smaller individual office buildings.

The proposed corridor site plan contemplates 27,380 aggregate square feet of floor area (14% FAR), which is less than the 1.25 percent floor area ratio permitted by underlying CO zoning. The site proposes access from the signalized intersection of East 91st Street South and South 101st East Avenue, with continuation of public streets providing access to the east and west boundaries of the site. Because adjacent tracts to the east and west are both zoned CO and thus can be developed at substantial density, staff recommends that the internal street(s) be continued as a collector street(s) with 60' right-of-way at the east and west stubs in accordance with the purpose and intent of the CO chapter of the zoning code.

Subsequently, 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 Z-6910-SP-2 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 CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-6910-SP-2 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:

Net Area: 194,017.79 SF

Permitted Uses:

Those uses permitted by right in the OL district and uses customarily accessory thereto.

Maximum Aggregate Building Floor Area: 27,380 SF

Maximum Building Coverage Per Lot: 30%

Maximum Floor Area Ratio: 30%

Minimum Lot Frontage on Internal Streets: 50 FT

Minimum Building Setbacks:

From East 91 st Street South right-of-way	50 FT
From the internal street right-of-way	25 FT
From the east boundary	20 FT
From the south boundary	20 FT
From the west boundary	20 FT
Internal lot lines – to be established at detail site plan review	

Maximum Building Height:

35 FT

Architectural elements may exceed the maximum building height with detail site plan approval.

Minimum Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum Landscaped Area:

A minimum of 15% of the net land area shall be improved as internal landscaped open space in accord with the provisions of the landscape Chapter of the Tulsa Zoning Code.

Signs:

One ground sign for the medical office park shall be permitted on East 91st Street South not to exceed 25 feet in height or 150 square feet of display surface area. In addition, each lot is permitted one ground sign on the collector or minor streets, not to exceed eight feet in height and 32 square feet of display surface area. Building directories and occupant identity signs may be attached to building walls as permitted under the Zoning Code.

Access:

Access to all lots must be from a collector or minor street; no lot shall have direct access to East 91st Street South. In addition, each lot shall have vehicular access to all other lots in the property over mutual access easements.

A minimum 60' right-of-way collector street shall be stubbed to the east and west boundaries of the development to accommodate future corridor development.

Sidewalks shall be required along East 91st Street South and along both sides of all internal street(s).

Landscaping and Screening:

No screening walls or fences are required. Landscaping shall be provided in accordance the landscape chapter of the zoning code.

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
4. 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.
5. No sign permits shall be issued for erection of a sign on a lot within the Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
6. No light standard or building mounted light shall be in excess of 25 feet in height.
7. Light fixtures shall be arranged so 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 elements or reflection of the light fixture from being visible in the adjacent residential area or residential streets rights-of-way. Compliance shall be in accord with the City of Tulsa Zoning Code and the application of the Kennebunkport Formula, which must include in the calculation consideration of topography.
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. 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.
10. No building permit shall be issued until the requirements of Section 805.E 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/County] beneficiary to said covenants that relate to PUD conditions.

11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the Corridor Site Plan.

TAC COMMENTS FROM MARCH 16:

General – No comments.

Water – No comments.

Fire – No comments.

Stormwater – On-site Detention is required. Off-site Detention adjacent to the site is acceptable.

Wastewater – Provide sanitary sewer access to all proposed lots.

Transportation – Sidewalk requirement is supported as required on the arterial and collector streets.

Traffic – Both E-W stub streets are recommended as 60 ft Collectors to provide adequate capacity for future Corridor Zoned development. No objection to the cul-de-sac being 26 ft wide. Redesign the approach lanes for 101 E Ave. and 91 St. to increase the storage capacity to a min. of 150 feet. The tight curve for 101 E Ave. shall be designed for at least 25 mph. Provide adequate separation between the two drives in the curve and the intersection for safety or combine the two drives into one shared access.

County Engineer – No comments.

MSHP: 91st St South designated as secondary arterial. Request sidewalks along 91st Street and within development. Per Subdivision Regulations, sidewalks are required on both sides of residential streets, parkways, arterials and all residential collector streets and to be established in the covenants or on the related privately funded public improvement (PFPI) project.

LRTP: 91st St. S., between Mingo and Garnett, existing 4 lanes.

TMP: In vicinity of proposed Haikey Creek Trail, which is located west of the subject property, consideration for providing access to the trail is encouraged.

Transit: Currently, Tulsa Transit operates an existing route along 91st St. S, and according to future plans, will continue to service this location. Therefore, consideration for access to public transportation should be included in the development.

Applicant's Comments:

Dave Sanders, Sanders Engineering, 11502 South 66th East Avenue, Bixby, Oklahoma 74008, stated that he is representing South Tulsa Medical Properties. He explained that the original type of facility that was planned was not able to get the appraisals up high enough to make it marketable. Mr. Lester and his group has decided to redesign the project and it will still be primarily medical and office, but less intense. There will be approximately 1/3 of the parking that was previously proposed in the formerly approved CO. The subject property has been platted in its original intent as South Tulsa Medical Properties. The approved plans show 260-foot wide streets east and west of the project going into the adjacent properties. The area to the east is currently owned by the YMCA and there are five to six acres above the floodplain that would be available for development. The area directly west will have approximately five acres for development. There is no development capable to the south because it is the main stem of Haikey Creek.

Ms. Cantees in 2:30 p.m.

Mr. Sanders stated that his primary contention is the access and he is in agreement with everything else in the staff recommendation. He would like some consideration to be given to the 26-foot wide streets and the standard 50-foot right-of-way for the public right-of-way since the traffic loads will be significantly less under the new plan.

Mr. Midget in 2:31 p.m.

TMAPC COMMENTS:

Mr. Carnes asked staff if they would agree with the applicant's request for access.

Ms. Matthews stated that Traffic Engineering is in accord with the 26-foot cul-de-sac. Staff has some issues with the stub street to the east and to the west. Staff is holding to the 60-foot right-of-way. The stub street to the east is probably going to develop before the one to the west.

Mr. Carnes asked Mr. Sanders if he understood what staff is stating. In response, Mr. Sanders stated that he understands that staff is holding firm on their recommendation and he would expect no less because the Code states that if there is corridor zoning, then there must be corridor access. He believes that he can have an access with the 26-foot width and 50-foot right-of-way. He

explained that now there are no multi-stories and it tears up the property when there is a more conventional lot-and-block configuration. He indicated that he could come up with a 60-foot right-of-way to the east, but it would be difficult to have one to the west and create a hardship on the configuration of the lots. He would lose some of the property.

Mr. Ard asked Mr. French to speak about this issue.

Darryl French, Traffic Engineering, 200 Civic Center, stated that corridor zoning is always a challenge. He further stated that typically the 60-foot right-of-way would have been taken to the extreme south property line. When the first plat was processed it was evaluated, and the unlikelihood of being able to go to the south property line was obvious due to the creek to the south. The collector street system had to be redesigned. The concept of having a stub street east and west was developed and footage-wise it is quite reasonable. He indicated that recently the intersection has been signalized. It is difficult to determine if 26-foot will be wide enough because it is difficult to determine the density under CO zoning. This is the first time he has heard who the ownership was to the east. The YMCA might not create a significant amount of traffic, but they could sell tomorrow and the CO zoning would still be in place. Until the Planning Commission can tell the engineers what the density of the subject site will be, he can't know what the capacity of the collector system should be. At this point he would have to recommend the standard 36-foot paving and 60-feet of right-of-way.

Mr. Midget out at 2:38 p.m.

Mr. Harmon stated that anytime a property like this is being developed, one would expect more traffic not less as time goes on. He believes the wider right-of-way makes sense.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Carnes, Collins, Harmon, Hill, Jackson "aye"; no "nays"; none "abstaining"; Bernard, Midget "absent") to recommend **APPROVAL** of the corridor site plan for Z-6910-SP-2 per staff recommendation.

* * * * *

Application No.: PUD-431-A-7

MINOR AMENDMENT

Applicant: Jeffrey G. Levinson

(PD-26) (CD-8)

Location: West of the southwest corner 101st Street South and South
Sheridan Road

Mr. Midget in at 2:41 p.m.

STAFF RECOMMENDATION:

PUD-431 was originally approved for residential, office and commercial uses. Parcel 'D' permitted commercial uses and limited structures to one-story with a maximum height of 28 feet. Subsequently, PUD-431-A was approved for the purpose of modifying land area, permitted uses, floor area and landscape requirements for parcels A, B, C and D. Parcel D was reduced from 6.92 acres to 6.69 acres and permitted floor area was reduced to 82,600 square feet. Permitted uses included those permitted in a CS District; provided however, no Use Unit 12a be permitted within 190 feet of the south boundary of Parcel 'D'.

More recently PUD 431-B was approved for Parcel 'C', only, to permit a convenience store and gas station. The building is now occupied by a restaurant. In May of 2005, a minor amendment to modify Parcel 'D' was erroneously filed and approved in PUD 431-B (-3). The purpose of PUD 431-A-7 is to establish in PUD 431-A Development Areas 'D-1', 'D-2' and 'D-3' as originally intended and to permit two-story structures within those areas.

Parcel 'D' is bordered on the west by Parcels 'E' and 'G' on which are an office development and detention, respectively. Adjacent to the south is South Tulsa Baptist Church and to the east are May's Drug Store, Arby's and a commercial/office strip center.

Because no residential uses are directly adjacent to the subject tracts and the potential impact of two-story structures is minimal, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-431-A-7 based upon the following standards:

1. No changes to permitted uses as established by PUD 431-A; reestablishment of subareas 'D-1', 'D-2' and 'D-3' as originally approved per PUD 431-B-3 and as follows:

	Land Area Net	Floor Area Allocation
Area D-1	1.6610 acres	18,000 SF
Area D-2	2.6973 acres	51,000 SF

Area D-3	0.7939 acres	13,600 SF
Reserve A – entry drive	0.3393 acres	-0- SF
Reserve B – detention	0.9173 acres	-0- SF

- a. That the subareas 'D-2' and 'D-3' may be subsequently divided by approved lot-split or replatting and the floor area shall be deemed allocated based on a floor area ratio of 39 percent.
 - b. That the building setback from the centerline of 101st Street be reduced from 175 feet to 150 feet.
 - c. That two points of access from Development Area D to 101st Street be permitted, one of which shall be the shared access point of Development Area D and Development Area C as depicted in the "Development Area Exhibit".
2. Two-story buildings shall be permitted, not to exceed 35 feet in height; however, architectural elements may exceed the maximum building height with detail site plan approval.
 3. All other development standards of PUD 431-A shall remain unchanged.

TMAPC COMMENTS:

Mr. Harmon asked if the original PUD allowed two-story buildings. In response, Ms. Matthews stated that the original PUD only allowed one-story buildings. Mr. Harmon questioned if this application should be a minor or a major amendment. Ms. Matthews stated that the applicant is staying within all of the other guidelines of the development and standards of the PUD.

Applicant's Comments:

Jeffrey Levinson, 9308 South Toledo Avenue, Tulsa, Oklahoma 74136, representing the South Tulsa Baptist Church, stated that the minor amendment is to allow for a two-story building rather than a one-story. The original PUD provided for one story at 28 feet in height and he is in agreement with staff's recommendation that would allow two-stories at 35 feet in height, which is a seven foot increase.

INTERESTED PARTIES:

Fred Ingram, 10107 South Maplewood, 74137, President of Pecan Chase HOA, stated the neighbors wouldn't want balconies, windows or doors opening toward their homes. He indicated that there is property between the neighborhood and the proposal, which is a residential-style law office. The neighbors understood that the subject property would have a one or 1 ½ story building with a residential look and not a two-story structure.

TMAPC COMMENTS:

Mr. Ard asked Mr. Ingram if there was a retention area directly to the west with a law office to the north. In response, Mr. Ingram answered affirmatively.

Mr. Ard asked if the retention area was between Pecan Chase and the development. In response, Mr. Ingram answered affirmatively.

Mr. Ard stated that the configuration doesn't appear to have any doors on the west side, but there would probably be some windows.

Mr. Ingram stated that his subdivision is a single street with a cul-de-sac at the end and it is a gated neighborhood on the south side of 101st. He understands that development is going to occur on the subject site and the subject property looks directly down into the backyards of the homes on the east side of the neighborhood.

Mr. Harmon asked staff if the difference in the previously-approved height and the requested height is seven feet. In response, Ms. Matthews answered affirmatively. Mr. Harmon stated that this would be building height, which is the highest point of the roof; however, architectural elements can be above that. Ms. Matthews stated that steeples, fire place chimneys, etc. could be higher.

Applicant's Rebuttal:

Mr. Levinson stated that he did speak with Mr. Edwards, who owns the office directly to the west, and he has no objection to the proposal. There is plenty of buffer between the proposal and the neighborhood and it is only seven feet additional height. He indicated that the main entrance would not be along the back and but in the front.

Mr. Carnes asked Mr. Levinson if he could plant some trees on the west side of the subject property then the trees would obstruct the windows.

Mr. Levinson stated that there are trees in between the subject property and the neighborhood. Ms. Matthews stated that the applicant would have to meet the landscaping requirements as well.

Mr. Levinson stated that there are trees within the retention area as well. He commented that he would obviously abide by the PUD standards and follow the standard landscaping requirements. He stated that he is not asking for any relief from the landscaping.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bernard "absent") to **APPROVE** the minor amendment for PUD-431-A-7, subject to conditions per staff recommendation.

Mr. Harmon out at 2:48 p.m.

Application No.: PUD-579-A-7

MINOR AMENDMENT

Applicant: Sisemore Weisz & Assoc.

(PD-18) (CD-8)

Location: Northwest corner East 79th Street South and South 102nd East Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to split Lot 1, Block 1, Tall Grass Office Park into two lots for the purpose of constructing two separate office sites. The lots are configured such that development on each meets development standards, including parking and accommodation of screened bulk trash containers. Proposed frontage on East 80th Street South for each lot is less than 100 feet as required; however, precedent has already been set through platting and subsequent minor amendments for lesser frontage.

Therefore, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-579-A-7 as proposed.

Mr. Ard announced that he would be abstaining from this item.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 7-0-1 (Bayles, Carnes, Cantees, Collins, Hill, Jackson, Midget "aye"; no "nays"; Ard "abstaining"; Bernard, Harmon "absent") to **APPROVE** the minor amendment for PUD-579-A-7 per staff recommendation.

* * * * *

Application No.: PUD-579-A-8

MINOR AMENDMENT

Applicant: Mike Marrara

(PD-18c) (CD-7)

Location: East 79th Street west of South 101st East Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to split Lot 4, Block 1, Tall Grass Office Park into two lots for the purpose of constructing two separate office sites. Proposed frontage on East 79th Street South for each lot is less than 100 feet, as is required by development standards; however, precedent has already been set through platting and subsequent minor amendments for lesser frontage. Other development standards for PUD 579-A shall remain in effect, including permitted floor area and maximum building land coverage per lot.

Therefore, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-579-A-8 as proposed.

Mr. Ard announced that he would be abstaining from this item.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-1 (Bayles, Carnes, Cantees, Collins, Hill, Jackson, Midget "aye"; no "nays"; Ard "abstaining"; Bernard, Harmon "absent") to **APPROVE** the minor amendment for PUD-579-A-8 per staff recommendation.

* * * * *

Mr. Harmon in at 2:49 p.m.

OTHER BUSINESS:

Application No.: PUD-579-A (Z-6333-SP-2)

DETAIL SITE PLAN

Applicant: Sisemore Weisz & Assoc.

(PD-18) (CD-8)

Location: Northwest corner East 79th Street South and South 102nd East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for two new office buildings. The proposed uses, Use Unit 11, Offices, Studios and Support Services, are in conformance with Development Standards of PUD-579-A.

The one-story office buildings are in conformance maximum building height, floor area and land coverage permitted and meet minimum building setback and landscaped open space and street yard requirements. Proposed parking, lighting and landscaping are in compliance with development standards and the zoning code. A mutual access easement is recommended, connecting access from East 80th Street through the parking to the northeast corner of Tract B.

Staff recommends **APPROVAL** of PUD-579-A/Z-6333-SP-2 subject to provision of a mutual access easement connecting access from East 80th Street through the parking to the northeast corner of Tract B.

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

Mr. Ard announced that he would be abstaining from this item.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-1 (Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Ard "abstaining"; Bernard "absent") to **APPROVE** the detail site plan for PUD-579-A (Z-6333-SP-2) per staff recommendation.

* * * * *

Application No.: PUD-405-K/Z-5722-SP-15a DETAIL SITE PLAN

Applicant: High Pointe Homes, Inc. (PD-18) (CD-8)

Location: 9302 South 75th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new residential structure. The proposed use, Use Unit 6, Single-Family Residential, is in conformance with Development Standards of PUD 405-K.

Per a previous minor amendment, PUD 405-K-1, the minimum side yard requirement of 20 feet for corner lots could be reduced to 15 feet subject to verification of sufficient sight lines per detail site plan approval. Staff finds that the proposed structure provides sufficient sight line and, therefore, recommends **APPROVAL** of PUD-405-K/ Z-5722-SP-15a detail site plan.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bernard "absent") to **APPROVE** the detail site plan for PUD-405-K/Z-5722-SP-15a per staff recommendation.

* * * * *

Application No.: PUD-405-K/Z-5722-SP-15b DETAIL SITE PLAN

Applicant: High Pointe Homes, Inc. (PD-18) (CD-8)

Location: 9301 South 85th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new residential structure. The proposed use, Use Unit 6, Single-Family Residential, is in conformance with Development Standards of PUD 405-K.

Per a previous minor amendment, PUD 405-K-1, the minimum side yard requirement of 20 feet for corner lots could be reduced to 15 feet subject to verification of sufficient sight lines per detail site plan approval. Staff finds that the proposed structure provides sufficient sight line and, therefore, recommends **APPROVAL** of PUD-405-K/Z-5722-SP-15b detail site plan.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bernard "absent") to **APPROVE** the detail site plan for PUD-405-K/Z-5722-SP-15b per staff recommendation.

* * * * *

Application No.: 579-A-6

CORRECTED RECOMMENDATION

Applicant: Bart James

(PD-18) (CD-8)

Location: West of the northwest corner of East 79th Street South and South 101st East Avenue

STAFF RECOMMENDATION:

The applicant modified lot lines and legal descriptions after his initial submittal for the purpose of accommodating a sewer line extension. These modifications were not reflected in the staff recommendation and Planning Commission approval on March 15, 2006. The lot areas have been corrected and are recommended for approval as noted below:

The applicant is requesting a minor amendment for the purpose of splitting two lots, Lots 5 and 6, to create three lots. Per the "Lot Split Exhibit", Tract "B" and Tract "C" would be tied to create a single lot, which would comprise ~~16,800~~ 15,930 square feet, or ~~0.39~~ 0.37 acres. Tract "A" would comprise ~~18,400~~ 19,270 square feet, or ~~0.42~~ 0.44 acres; and Tract "D" would comprise 16,800 square feet, or 0.39 acres.

Development Standards for PUD 579-A are as follows:

Permitted Uses:

Church, nursing home, schools, private clubs as permitted in Use Unit 2; community centers, as permitted in Use Unit 5; townhouse dwellings and multifamily dwellings; offices and studios as permitted in Use Unit 11; and uses customarily accessory to permitted uses.

Maximum Building Height:

Multifamily residential	45 FT
Other dwellings	35 FT
Offices	52 FT
Other Uses:	

As approved by the TMAPC as part of Detail Site Plan Review.

Off-Street Parking:

As required for the applicable use by the Tulsa Zoning Code.

Minimum Building Setbacks:

From the west boundary of the Development Area A:
Ten feet plus two feet of setback for every foot of building height above 15 feet.

From Collector Street right-of-way	25 FT
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Minimum Land Area per Dwelling Unit per lot:

Multifamily Dwellings	1,750 SF
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Maximum Building Floor Area Ratio (Offices) per Lot:	.50
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Maximum Building Land Coverage per lot (all uses):	30%
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Other Bulk and Area Requirements:

Development Type:

Multifamily	As established within an RM-1 District
Townhouse dwellings	As established within a RT District
Offices	As established within the OM District

Signs:

Dwellings and Other Uses:	As permitted in the RM-1 District
Offices	As permitted in the OM District

The lots are intended for office use. The lots can be developed in accordance with the existing development standards, with exception of the 100 foot frontage requirement per OM Bulk and Area Requirements. Tract "A" will have 92 feet of frontage; Tracts "B" and "C" as tied will have 84 feet of frontage; and Tract "D" will have 84 feet of frontage. (TMAPC recently approved a lot split of Lot 3, Block 1; however, the resulting lots were in compliance with the 100 foot frontage

requirement.) Staff also notes that Lots 10 and 11 of Block 1 of the existing Tall Grass Office Park plat have less than 100 feet of frontage each.

Although development per PUD 579-A-6 is still reasonably possible, the unusual configuration of combined Tract "B" and Tract "C" will limit to some degree building floor area and layout/ provision of parking. The applicant has been advised that parking for the proposed development "must be located on the lot (as combined) containing the use for which the required spaces or berths are to be provided." A request for a variance of this requirement would not be supported by staff as the lot-split/ lot combination as requested with larger floor area will create a self-imposed hardship.

Staff finds the proposed request to be minor in nature and recommends **APPROVAL** of PUD-579-A-6 as proposed subject to Tract "B" and Tract "C" being tied together through Lot-Split approval.

Mr. Ard announced that he would be abstaining from this item.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-1 (Bayles, Carnes, Cantees, Collins, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Ard "abstaining"; Bernard "absent") to **APPROVE** the corrected staff recommendation of the minor amendment for PUD-579-A-6, subject to Tract "B" and Tract "C" being tied together through lot-split approval per staff recommendation.

* * * * *

Application No.: PUD-677-A

CLARIFICATION OF MOTION

Applicant: Sack & Associates

(PD-26) (CD-8)

Location: West of the northwest corner East 121st Street and South Sheridan Road

STAFF RECOMMENDATION:

Ms. Matthews stated that this is a request for a clarification on the motion that was made at a previous meeting regarding placement of sidewalks. The property in questions was a gated community that is surrounded on two sides by other gated communities. The motion from the previous meeting referred to the sidewalk along 121st Street and the fact that the County was doing some

improvements to 121st Street, which determined to allow the applicant to wait for the completion of improvements before requiring the sidewalk. The applicant is questioning whether the interior sidewalks are required. Staff's intent was that the interior sidewalks should be in place and it will always be staff's recommendation. This was not made clear in the motion to approve and the applicant would like some clarification.

Ms. Matthews stated that this issue may require more than a clarification because she believes that a waiver of the Subdivision Regulations will be required if the Planning Commission decides that the interior sidewalks are not necessary.

TMAPC COMMENTS:

Mr. Jackson asked if the neighborhoods are private. In response, Ms. Matthews stated that they are private, but it doesn't matter if they are private because sidewalks are still required.

Mr. Jackson stated that he couldn't remember if the streets were private and if all three developments were connected. Ms. Matthews stated that there are no sidewalks on either side, but staff believes that people like to walk in their neighborhoods and they should be afforded that ability to do so. Mr. Jackson stated that he understands staff's stand on this; however, from a developer's view, these are private neighborhoods and in the past there haven't been any sidewalks.

Mr. Ard asked if the two adjoining subdivision, which are part of this overall plat, have had plat waivers to waive sidewalk requirements. At the meeting where this was discussed previously, the Planning Commission did not waive the interior sidewalk requirement, but did vote on requiring a sidewalk along 121st Street after the improvements are made. Ms. Matthews answered affirmatively to Mr. Ard's question and statement.

Mr. Harmon stated that he believes that he put the motion before the Planning Commission and it was intended for just the sidewalk on 121st Street. He reminded staff that he made a comment that if they didn't want sidewalks within the gated security fence, then it would be up to the residents. The motion had a caveat that when 121st Street is rebuilt, then sidewalks would be required along that street.

Mr. Carnes asked if there is a motion needed.

Ms. Matthews stated that she believes a clarification is needed first to determine if the Planning Commission intended for there to be sidewalks on the interior.

Mr. Ard stated that he isn't sure everyone is on the same page and there should be some conversation on this.

Mr. Ard asked if there was a waiver requested for the sidewalks during the first hearing. In response, Ms. Matthews answered negatively. Mr. Ard stated that if there wasn't a waiver requested for the sidewalks then the Planning Commission couldn't have voted on it previously.

Mr. Jackson stated that he recalls Mr. Sack requesting that sidewalks not be required during the previous meeting because he wasn't required to have them in the other two developments. He further stated that when the motion was made, he understood that the interior sidewalks wouldn't be required and the only sidewalk that would be required was along 121st at the appropriate time.

Mr. Carnes stated that he understood it the same way as Mr. Jackson. (Mr. Carnes made the motion on the March 15, 2006 meeting.)

Ms. Matthews stated that today the Planning Commission approved a preliminary plat on the subject site and there was no mention of waiver of the Subdivision Regulations on the sidewalks.

Mr. Ard stated that he thought that there would not be sidewalks on the interior, but the Planning Commission didn't vote on a waiver during the March 15th meeting. Perhaps the Planning Commission didn't follow proper procedure to make this happen.

Mr. Boulden stated that the Subdivision Regulations would need to be waived if the Planning Commission chooses to remove the interior sidewalk requirement. He doesn't recall any specific practice for this type of relief.

Mr. Alberty stated that the process is what he believes is being discussed today. The clarification has been made and understood that there wasn't a waiver requested so there couldn't have been waiver of the sidewalk issue within the PUD. There has not been to date a waiver of the sidewalks and that must come through the subdivision plat. When that is made, then it can properly be acted upon and that should be followed with a minor amendment to the PUD to waive the sidewalks within the development. He believes that this is what Mr. Sack is attempting and he understands that there is some confusion among the Planning Commission of what was actually done during the March 15th meeting. The Planning Commission could not have waived the sidewalks within the subdivision because it was never requested.

Mr. Carnes stated that he believes that Mr. Sack did ask for a waiver of the sidewalks at the last meeting.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that he doesn't agree with Mr. Alberty's statements. Mr. Sack explained

that the PUD had a staff recommendation that recommended sidewalks as one of the conditions of the PUD. He stated that the previous meeting he indicated that he was not in favor of the conditions and requested that the sidewalk condition be waived for the third phase. This is a high-end development and sidewalks were never considered to be a part of the development. The first two phases do not have sidewalks internally. He recalled that Mr. Harmon didn't have any problems with the gated community not having internal sidewalks, but he did want the sidewalk along 121st Street. He thought that in the motion there was a waiver of his request, which was to waive the internal sidewalks as part of the approval of the PUD with the condition that he would build a sidewalk along 121st Street at such time that 121st Street was improved. When the TAC meeting came up on the preliminary plat, which was after the March 15th meeting, there was no mention of any sidewalks and he didn't request a waiver of the sidewalks because he thought it was already waived as part of the preliminary plat because of the PUD requirements that were heard the week before. He reiterated that there was no sidewalk recommendation within the preliminary plat so he didn't bring it up because it was going to be discussed later. He doesn't believe that normally the formal requests are necessary. He reminded the Planning Commission that he was asking for a waiver of the sidewalk requirement as part of the PUD condition and thought it had been granted in the motion on March 15th.

Mr. Sack stated that if he needs to go back for a formal request to waive the sidewalks, then he will have to go through each subdivision item and ask for a formal consideration for those particular items if that is what is needed to be done.

Commissioner Collins out at 3:00 p.m.

Mr. Boulden stated that if there is a motion today to clarify the previous action, it should reflect a waiver of the Subdivision Regulations and not require the interior sidewalks if that is the intent.

Mr. Carnes made a motion to clarify the March 15th approval of PUD-677-A, which waives the Subdivision Regulations to not require interior sidewalks.

Mr. Harmon stated that he would second the motion because that was certainly his intent. He felt that by not requiring the interior sidewalks was the same as waiving them.

Ms. Hill reminded the Planning Commission that the motion required a sidewalk on 121st Street if and when it is improved. In response, Mr. Harmon agreed.

TMAPC Action; 8 members present:

On **MOTION** of **JACKSON**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bernard, Collins "absent") to **CLARIFY** the March 15th, 2006 motion for PUD-677-A and **APPROVE** the waiver of the Subdivision Regulations to not require interior sidewalks. All existing requirements of PUD-677 and PUD-677-A shall continue to apply unless modified.

* * * * *

Commissioners' Comments:

Ms. Hill thanked the other two ladies on the Planning Commission, Ms. Cantees and Ms. Bayles, for their phone calls and their support of her for the last two weeks.

Mr. Ard stated that most of the Planning Commission should know that Mr. Horner has resigned. Mr. Ard thanked Mr. Horner for his service to the Planning Commission and the community. He has been involved in many areas and has volunteered in his position for many years.

Ms. Hill asked Mr. Ard if Mr. Horner will receive a formal letter. In response, Mr. Midget stated that the County Commission would probably send a response. Ms. Matthews stated that staff sent a letter earlier, but if it is the Planning Commission's wish to do something with a framed plaque that could be done. Ms. Hill stated that citizen volunteers need our thanks.

Ms. Bayles reminded Mr. Ard that she asked if the Zoning Code amendments could be discussed relative to process and setting a supplementary meeting outside of the regular meeting schedule. She would be willing to propose that an evening meeting is needed.

Ms. Bayles stated that she has requested that the Comprehensive Plan Task Force recommendations come before the Planning Commission at the next worksession if possible. In the absence of Mr. Bernard she is directing this request to Mr. Ard. She would also like to revisit the Infill Task Force recommendations. She feels that there are some issues relating to future growth that are subject to some misinterpretation or confusion in the public's mind. These things need to be addressed now because there were 13 residents from North Tulsa regarding the Brady Village issue today. Ms. Bayles commented that she doesn't believe that infill development is being adequately communicated to our constituents in order for them to understand and appreciate the desire and the need for infill development relative to our long-term economic growth as well as defining a process that will be a guide for future development in the City of Tulsa.

Mr. Midget stated that he understands that there are several major issues coming up and he concurs with Ms. Bayles about revisiting the Infill Study and the Zoning Code revisions. He commented that he would like the Planning Commission to consider having evening meetings to allow the citizens an opportunity to participate and have their input on a matter of this importance. This may help alleviate some of the misunderstandings. Unfortunately, today's application for Brady Village was a result of some bad information and people assumed something was happening that really wasn't happening.

Ms. Matthews asked Mr. Midget if he is talking about the Zoning Code amendments or the Infill Study. In response, Mr. Midget stated that he is talking about the Zoning Code amendments particularly, and when it is necessary to have broader community participation, then consider having more meetings in the evening with regard to infill. Before this board became a Planning Commission, it was a City Commission and they had evening meetings to allow the citizens an opportunity to participate. They had at least one meeting a month to allow the citizens an opportunity to participate. This would serve the Planning Commission well if we looked at how we are having our meetings.

Mr. Harmon agreed with the statements of Mr. Midget and stated that educating the general populace is a formidable task.

Mr. Alberty suggested that a Tuesday evening meeting would probably work. Mr. Ard suggested that a decision should wait until Mr. Bernard returns.

Ms. Bayles addressed the meeting held with Mr. Cuthbertson and interested parties after the last meeting to discuss the proposed Zoning Code amendments. She indicated that some good feedback came from that meeting.

Mr. Boulden called for a point-of-order and reminded the Planning Commission that the agenda items is comments of the Commissioners and it is easy to evolve into a discussion of an item that is not listed on the agenda. Comments should be unilateral statements by Commissioners and not necessarily a discussion of a topic that a Commissioner brings up. He requested and cautioned the Planning Commission to make their comments unilateral statements to the rest of the Planning Commission.

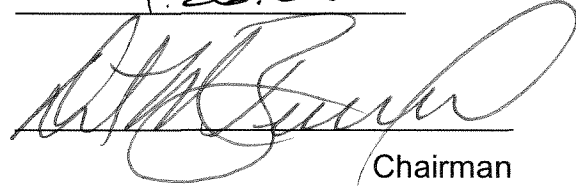
Mr. Midget asked the staff to create a check box for a developer to indicate whether he has talked with a neighborhood association or not. If they haven't then they could be told at the beginning that they need to do so.

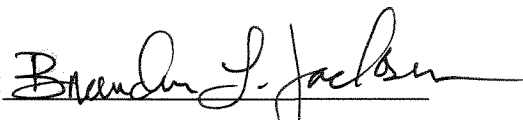
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There being no further business, the Chair declared the meeting adjourned at 3:19 p.m.

Date Approved:

4.26.06


Chairman

ATTEST: 
Secretary