

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2538

Wednesday, February 4, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell	McArtor	Alberty	Boulden, Legal
Carnes		Feddis	
Keith		Fernandez	
Marshall		Huntsinger	
Midget		Matthews	
Shivel		Sansone	
Sparks			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 29, 2009 at 2:33 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, Chair Cantrell called the meeting to order at 1:30 p.m.

REPORTS:

Comprehensive Plan Report:

Ms. Cantrell reported that several small area workshops were cancelled last week due to the weather and they have been rescheduled. Ms. Cantrell read the new dates and locations for the Planitulsa workshops.

Director's Report:

Mr. Alberty reported on the Board of County Commission and City Council agendas.

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Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

Commissioner Keith in at 1:35 p.m.

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

1. **LS20278** – Harden & Associates (9316)/Lot-Split (PD 6) (CD 7)
North of East 31st Street and East of South New Haven Avenue, 2901 S
Pittsburg Avenue
2. **LS-20279** – Steve Younger (9230)/Lot-Split (Rescind (County)
LC-18)
South of West 41st Street and East of South 69th Avenue, 6850 West
41st Place
3. **LS-20280** Tulsa Habitat For Humanity (9232)/Lot-Split (County)
West of South 57th Avenue and North of West 61st Street, 6028 South
57th Avenue West
4. **LS-20281** – Tulsa Habitat For Humanity (9233)/Lot- (PD 8) (CD 2)
Split
West of South 38th Avenue and North of West 55th Street, 3811 West
55th Street South
5. **LS-20283** – M. Scott Hall (9220)/Lot-Split (County)
South of West 39th Street and West of South 63rd Avenue, 6340 West
39th Street
6. **LC-141** – Tulsa Habitat For Humanity (9316)/Lot (PD 6) (CD 9)
Combination
North of East 27th Place and West of South Jamestown Avenue, 2704
South Jamestown
7. **LC-142** – Tulsa Habitat For Humanity (9202)/Lot (PD 10) (CD 1)
Combination
East of South Tacoma Avenue and North of West 1st Street, 1515 West
1st Street
8. **LC-143** – Tulsa Habitat For Humanity (9233)/Lot (PD 8) (CD 2)
Combination
Northwest corner of South 37th Avenue and West 53rd Place, 3703 West
53rd Place South

9. **LC-144** – Tulsa Habitat For Humanity (9233)/Lot (PD 8) (CD 2)
Combination
West of South 38th Avenue and North of West 55th Street, 3811 West
55th Street South
10. **LC-146** – Tulsa Habitat For Humanity (9232)/Lot (County)
Combination
Northwest corner of South 57th Avenue and West 61st Street, 6028
South 57th Avenue West
11. **LC-147** – Tulsa Habitat For Humanity (9232)/Lot (County)
Combination
West of South 57th Avenue and North of West 61st Street, 6028 South
57th Avenue West
12. **LC-148** – Tulsa Habitat For Humanity (9316)/Lot (PD 6) (CD 9)
Combination
Southwest corner of East 27th Place and South Jamestown Avenue,
3348 East 27th Street
13. **LC-150** – Morteza Nikou (9325)/Lot Combination (PD 18B) (CD 5)
East of South Memorial Drive and North of East 44th Street, 8149 E 44th
Street, Suite “B”
14. **The Enclave at Brookside –** (8418) Final Plat (PD 6) (CD 9)
Southwest corner of East 39th Street South and Rockford Avenue
(Continued from 1/28/09)

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 5.44 acres.

All release letters have been received and staff recommends **APPROVAL**.

15. **Decatur Park –** (8332) Final Plat (PD 18) (CD 8)
Southwest corner of East 93rd Street South and South Canton Avenue

STAFF RECOMMENDATION:

This plat consists of 18 lots in three blocks on 4.35 acres.

All release letters have been received and staff recommends **APPROVAL**.

16. **PUD-300-7 – Blake Burks**

(PD-18) (CD-8)

Northeast corner of East 81st Street South and South Sheridan Road (Minor Amendment to increase the permissible floor area from 7,000 SF to 8,000 SF and increase building height from 26 FT to 30 FT and allow an uninhabitable architectural projection up to 40 feet in total height.) (Related to Item 17)

STAFF RECOMMENDATION:

This lot is located on the hard corner of 81st Street and South Sheridan Road. The applicant is requesting a minor amendment to increase the permissible floor area for the lot from 7,000 square feet (SF) to 8,000 SF and an amendment to increase the permissible building height from 26' to 30' and allow uninhabitable architectural projections only, up to 40' in total height. The requests are to allow for the construction of a Persian rug retail outlet.

The request of an increase in permissible floor area from 7,000 SF to 8,000 SF represents a 14.2% increase in over-all floor area and is viewed by staff as minor in nature. Using the formula provided in the PUD chapter of the Zoning Code (Section 1104, A-2) for calculating intensity of non-residential floor area in a CS district the 42,092 gross square foot lot with a .5 floor-to-area ratio (FAR) would permit a 21,046 SF building. The 14.2% increase in floor area to an 8,000 SF building represents an FAR of .19. Staff can support this request.

The second request is to increase the over-all permissible building height from 26' to 30' and allow an architectural projection/non-inhabitable portion of the building to extend to 40' in total height. The portion of the building to extend to 40' in height is the southwest corner of the building, and would be used for the hanging display of carpets (see Exhibit D). Within straight CS zoned districts there is no height limitation. Since this lot is located on the hard corner of two arterial streets, and there are no abutting residential districts, staff can support this request.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-300-7 allowing an increase of the building floor area to 8,000 SF and increasing the allowable building height from 26' to 30' with uninhabitable architectural projections permitted up to 40' for the lot described as Part of Lot 1, Block 1 – Square One, BEG 225E & 50N SWC SEC TH W145.02 CRV RT47.11 N145.02 E175 S175 POB LESS BEG 50N & 225.02E SWC SEC TH W145.02 CRV RT 47.11 SE36.89 E151.08 S8 POB FOR ST BLK 1 only.

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

17. **PUD-300 – Blake Burks**

(PD-18) (CD-8)

Northeast corner of East 81st Street South and South Sheridan Road
(Detail Site Plan for an 8,000 SF retail rug outlet.) (Related to Item 16)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for an 8,000 square foot (SF) retail rug outlet. The proposed use, Use Unit 14 – Shopping Goods and Services is a permitted use within PUD-300. Associated with this detail site plan review, is concurrent minor amendment application PUD-300-7 also appearing on the February 4, 2009 agenda of the TMAPC. Approval of this detail site plan would be contingent upon the approval of the aforementioned minor amendment.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations as prescribed by the development standards of PUD-300 and as amended. Parking has been provided per the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning Code with a five-foot landscape strip along the west and southern boundary lines as required. All sight lighting is limited to 28-feet in height and will be directed down and away from adjoining properties. A trash enclosure has been provided as required by PUD development standards. Sidewalks will be provided or maintained where they exist along 81st Street and Sheridan Road as required by Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for the construction of the retail carpet store located on Part of Lot 1, Block 1 – Square One, BEG 225E & 50N SWC SEC TH W145.02 CRV RT47.11 N145.02 E175 S175 POB LESS BEG 50N & 225.02E SWC SEC TH W145.02 CRV RT 47.11 SE36.89 E151.08 S8 POB FOR ST BLK 1 pending the approval of minor amendment application PUD-300-7.

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

18. **PUD-489 – Larry Jackson**

(PD-18) (CD-8)

Approximately 370 feet east of the northeast corner of 71st Street and South Mingo Road (Detail Site Plan for a 2,448 SF restaurant.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 2,448 square foot (SF) restaurant. The proposed use, Use Unit 12 – Eating Establishments Other Than Drive-ins is a permitted use in PUD-489.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations as set forth by adoption of PUD-489 and as amended. Parking has been provided per the Zoning Code. Outdoor seating is provided and amounts to 8% of the floor area of the building, therefore no extra parking is required per Section 1212, C-1c. Landscaping is provided in excess of the requirements of the landscape chapter of the Zoning Code. All sight lighting is limited to 24-feet in height and will be directed down and away from adjoining properties. A trash enclosure will be provided and the existing sidewalk along 71st Street will remain, or be replaced if removed during construction per subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for a 2,448 SF restaurant on the property described as PRT LT 6 BLK 1 BEG SWC LT 6 TH N379 E134.79 N332.59 E16.55 S356.66 SLY ALONG CRV LF 139.21 SLY ALONG CRV RT 156.88 S56.15 SLY ALONG CRV LF 16.28 TO SL LT 6 TH W231.91 POB.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Keith, Marshall, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget "absent") to **APPROVE** the consent agenda Items 1 through 18 per staff recommendation.

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Ms. Cantrell stated that there has been a request for a continuance for Item 25:

25. **PUD-694-B-1 – Whistler Sign Company, LLC** (PD-8) (CD-2)

9001 South Union Avenue West (Minor Amendment) (This case will be heard before the BOA on 2/24/09 therefore staff requests a continuance to 2/25/09.)

STAFF RECOMMENDATION:

Mr. Sansone stated that staff is recommending a continuance to February 25, 2009 in order to verify the spacing to the Board of Adjustment.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Keith, Marshall, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget, "absent") to **CONTINUE** the minor amendment for PUD-694-B-1 to February 25, 2009.

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PUBLIC HEARING

20. **Metropolitan Baptist Church** – (0222) Preliminary Plat (PD 11) (CD 11)

South ~~North~~ of West Apache and west of North Osage Expressway

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 12.9 acres.

The following issues were discussed January 6, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 with Board of Adjustment Case 19779 to allow the church use. The underlying plat has been vacated. No access is allowed from the south per the Board of Adjustment conditions of approval.
2. **Streets:** West of Tisdale Parkway, Apache street is a Primary Arterial with 120 feet of right-of-way (ROW) requirement. Additional 30 feet right-of-way dedication is required. Show and label center line of Apache. Include standard sidewalk language: Sidewalks are required along streets designated by and in accordance with subdivision regulations. Required sidewalks shall be constructed in conformance with City of Tulsa engineering design standards. The owner/developer shall construct required sidewalks within reserve areas, common areas, and along arterial street frontages of abutting lots having access onto minor streets. Where sidewalks are not constructed by the owner/developer, the builder of each lot shall construct the required sidewalk. Label driveway points of access and the remaining frontage to Apache Street as limits of no access (LNA). Show and plan to construct sidewalks on Apache street right-of-way (south side or pay in lieu of fee for sidewalks).

3. **Sewer:** In Section I, C-2, omit the words “in excess of three feet “from the first sentence. Use standard language for all five statements within the section. The six inch service line will not be allowed to connect to the sanitary sewer main at the manhole as shown.
4. **Water:** A 20-foot restrictive water line easement will be needed for the water main line. Add restrictive water line easement language. A looped six-inch water main line is proposed.
5. **Storm Drainage:** In one lot, one block additions; detention easements should not be placed in reserves. Standard covenant language must be used for Section I, C and H.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exception: The fire code official is authorized to increase the dimension of 150 feet where: 1. The building is equipped throughout with an approved automatic sprinkler system. 2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. 3. There are not more than two Group R-3 or Group U occupancies. The required turning radius of a fire apparatus access road shall be determined by the fire code official. Fire apparatus roads shall be designed with a minimum of 28 feet inside radius and a minimum of 48 feet outside radius. Dead-end fire apparatus access roads in excess of ten feet in length shall be provided with an approved area for turning around fire apparatus. Cul-de-sacs shall not exceed seven hundred and fifty (750) feet in length, measured from the centerline of the intersection streets to the center of the turn-around. Cul-de-sacs shall have a turn-around radius of not less than thirty-eight (38) feet of paving, utilizing a rolled curb section wherever possible, and a radius of fifty (50) feet of right-of-way at the property line. Cul-de-sacs greater than two hundred and fifty (250) feet in length shall have a turn-around radius of not less than forty (40) feet of paving and a radius of fifty-two (52) feet of right-of-way at more than twenty (20) lots shall have a turn-around radius of not less than forty-eight (48) feet of paving and a radius of sixty (60) feet of right-of-way at the property line. For a cul-de-sac with a rolled curb section the turnaround radius may be measured to the back of the curb. Alternative turnarounds may be a 120-foot hammerhead or a 60-foot “Y”. An approved

water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. 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 automatic sprinkler system the distance requirement shall be 600 feet.

GIS: Locate and label the existing Osage Expressway on the location map. Give a description of the basis of bearing and give this bearing in degrees, minutes and seconds. Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat. Label the point of commencement (POC).

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

Mr. Midget in at 1:51 p.m.

The applicant indicated his agreement with staff's recommendation.

Interested Parties Comments:

Chad Taylor, 100 West 5th Street, 74103, representing Gilcrease Hills Homeowners Association, cited the history of the subject property and the numerous meetings and conditions placed on the subject property by the Board of Adjustment. Mr. Taylor wanted to make sure that there would be no access from the south or cul-de-sacs as it appears on the preliminary plat.

TMAPC COMMENTS:

Ms. Cantrell stated that it is her impression that there is not access to the south and the circles are for waterlines. It is not a cul-de-sac

Ms. Fernandez stated that it is to facilitate the waterlines. If there were to ever be access to the south that would require the applicant to come back before the Board. One of the conditions of the Board is to make sure that there is no access from the south. Uses approved per site plan would go through the Board of Adjustments. If the applicant varies the site plan it would require a revision to the site plan at the Board of Adjustment, which would require noticing.

Ms. Cantrell wanted the interested parties to understand that there is no southern access on the plat.

Larry Duke, 1919 West Seminole, 74127, Manager of Gilcrease Hills Homeowners Association, reiterated the history, conditions and agreements that are associated with the subject property. He expressed concerns that the circles

on the plat looked like cul-de-sacs and he wanted to make sure that there are none. Mr. Duke expressed concerns that the subject property wouldn't be developed as agreed upon.

Applicant's Rebuttal:

Mike Marrara, Harden Survey Company, 2001 south 114th East Avenue, stated that the plat is a simultaneous conveyance that creates the easements and dedications in order to build this facility. The site plan will be back through for review and he is not involved in that issue. The platting is in compliance with the approved detail site plan as far as no improvements south of the buffer line, etc. Mr. Marrara stated that the design that looks like a cul-de-sac is done by design and there is no intention of allowing access. He would more than happy to clarify that on the plat with no limits of access placed on both streets. The reason for this was for future planning by looping the waterlines in order to provide fire protection. At a future time if someone wanted to develop the subject area the waterlines would already be in place. These will be dedicated as restricted waterline easements to be used for no other purpose but waterlines. He understands that in order for any development to happen in that subject area it would require going back before the Board of Adjustment and the Planning Commission.

TMAPC COMMENTS:

Mr. Carnes moved to approve the plat with the limits of no access on the plat as volunteered by the applicant.

Ms. Cantrell stated that she appreciates the interested parties for coming to the meeting, but she hopes that they understand that a lot of those concerns are with the site plan, which is not before the Planning Commission today. The only issue the Planning Commission can address on the plat is the access and it has been made clear that there will be no southern access.

Mr. Boulden expressed some concerns about the posting of the agenda. There are interested parties present who obviously knew about the hearing. He would like to make sure that the Planning Commission and the applicant are comfortable with the posting of the agenda.

Ms. Fernandez stated that the 300-foot radius for noticing was not affected by the agenda posting.

Mr. Marrara stated that he believes the noticing was sufficient.

Mr. Taylor stated that he didn't notice the incorrect agenda posting until he arrived at the meeting today. He doesn't know if there are others who didn't get notice of today's hearing.

Mr. Carnes suggested that since there are interested parties present today who spoke on this application, it would make sense to vote on it today and not delay it another meeting.

Mr. Boulden stated that he is assuming that the noticing per the Zoning Code is correct and it was the agenda posting that was incorrect.

Ms. Fernandez stated that the 300-foot radius for noticing is appropriate and it was simply a typo on the north versus south on the agenda. Staff did receive phone calls regarding this application from interested parties.

Mr. Boulden stated that he is not too uncomfortable if the Planning Commission would like to proceed with this application. Those who may be impacted by this application have been notified by mailing.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Keith, Marshall, Midget, Shivel, Sparks, Walker Wright "aye"; no "nays"; none "abstaining"; McArtor "absent") to **APPROVE** the preliminary plat for Metropolitan Baptist Church, subject to special conditions and standard conditions per staff recommendation, noting that the location is south of West Apache and west of North Osage Expressway. (Language with a strike-through has been deleted and language with an underline has been added.)

21. **Airpark Distribution Center II** – (0420) Preliminary Plat (PD 16) (CD 6)

North side of West Apache Street between North Garnett Road and North 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of four lots, one block, on 75.34 acres.

The following issues were discussed January 15, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IM (industrial medium).
2. **Streets:** Bridge will be required across floodplain to access Lot 1. Developer needs to verify that points of access do not conflict with guardrail installations and if conflicting, adjust access points not to conflict.

3. **Sewer:** Provide perimeter easement along the north and west boundary of the plat. Do not allow the encroachment on utility easements within the 30-foot sanitary sewer easement for the proposed 24-inch and 12-inch lines. Along the north boundary, where the 12-inch sewer line is proposed, additional easement is required, and we need an exclusive SS/E (sanitary sewer easement). The utility easement can be located adjacent to the 30-foot sanitary sewer easement, but not within it. As agreed to in the predevelopment meeting, the development will be required to extend the 24-inch to south right-of-way, and the 12-inch sanitary sewer line to the east right-of-way.
4. **Water:** No comment.
5. **Storm Drainage:** The CLOMR (conditional letter of map revision) must be approved, and the CLOMR number must be added to the face of plat, before the Final Draft Plat can be approved. The Overland Drainage easement, to convey the floodplains across the property, must include all floodplain area plus an additional 15-foot area must outside and adjacent to the floodplain for maintenance access. If the floodplain is less than 150 feet wide, then the additional 15-foot area must be included on both sides of the floodplain. This is a multiple lot development; therefore, the overland drainage easement must be placed in a reserve area. The engineer must prepare and submit a detention determination, with all backup information to support that determination, to the infrastructure management division of the development services department of the City of Tulsa. Detention and the easement for detention may be required on this 75 acre site. Compensatory storage will be required to change the location of the floodplain, as will the Compensatory storage easements. In Section I.G: Please use the standard language for an overland drainage easement for floodplain in a reserve area, stormwater detention in a reserve, and compensatory storage. Add the conceptual building locations, drainage inlet for each lot, and storm sewer system to convey the drainage to the flow line of the adjacent drainage channel.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.

7. **Other: Fire:** Any bridges to structures on Lot 3 shall meet the following requirement: Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO standard specification for highway bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus byway of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75, 000 pounds. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. 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 the distance requirement shall be 600 feet. For any buildings constructed exceeding the 400 feet for non-sprinkled building and 600 feet for sprinkled buildings a looped water main extension with proper easements will be required to supply the fire hydrants necessary to protect the building.

GIS: Give a description of the basis of bearing and give this bearing in degrees, minutes and seconds. Use the IDP (infrastructure development process) language.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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 stated that the applicant has requested a sidewalk waiver for fee-in-lieu of and Development Services and staff agree that this is appropriate at this time.

TMAPC COMMENTS:

In response to Ms. Cantrell, Mrs. Fernandez stated that the floodplain causes problems for the site development and the future bridges as well.

Mr. Boulden stated that he has the ordinance in front of him and it does indicate that one of the grounds for signing a waiver fee-in-lieu of is for drainage issues and other surface conditions that make present construction impractical.

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 **8-1-0** (Cantrell, Carnes, Keith, Marshall, Midget, Shivel, Sparks, Walker "aye"; Wright "nay"; none "abstaining"; McArtor "absent") to **APPROVE** the preliminary plat for Airpark Distribution Center II, subject to special conditions and standard conditions, granting a fee-in-lieu of for sidewalks along East Apache Street, per staff recommendation.

* * * * *

- 22. **Riverwest** – (8202) Preliminary Plat (PD 8) (CD 2)
 East of Northeast corner of West 71st Street South and Okmulgee
 Expressway/Highway 75 (Continued from 1/28/09)

STAFF RECOMMENDATION:

This plat consists of three lots, two blocks, on 5.4 acres.

The following issues were discussed December 4, and December 18, 2008 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG with PUD 768 pending. All PUD standards must be followed and shown in the covenants.
2. **Streets:** Correctly orientate north arrow on preliminary plat for drawing. Please specify the right-of-way radii for chamfers L1 and L2. Subdivision Regulations call for property lines at street intersections involving major streets and highways shall be rounded with a minimum radius of thirty (30) feet. Do not use language "temporary" for proposed cul-de-sac. Add language stating that the cul-de-sac can not be removed until street in Lot 3, Block 1 is extended to a connecting street. To the extent possible, driveway centerlines should intersect the public street at a 90 degree angle. Lines L1 and L2 must be the chord for 30-foot radius. Paving for public street must

be 36 feet. Cul-de-sac radius must be 52 feet. Remove reference to temporary cul-de-sac.

3. **Sewer:** Add a perimeter easement along the south boundary line of the plat, and along both sides of the street right-of-way. Add the book and page for the existing 20-foot utility easement (u/e) along the north boundary of the plat. Be sure the proposed sewer line to serve Lot 1, Block 2, extends a minimum of 15 feet past the property corner. Add easement as necessary to protect the pipe and manhole.
4. **Water:** Show restrictive waterline easements. Add standard language for the restrictive waterline easement. Water mainlines installed under pavement required to be ductile iron pipe only.
5. **Storm Drainage:** Add bearings, distances, and curve information to the storm sewer easement limits
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** 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 the distance requirement shall be 600 feet.

GIS: Along with the written scale, add graphical scale. Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat. Label the Expressway and all the subdivisions within the mile section for the Location Map. Add text to the face of the plat, "Subdivision contains four lots in three blocks".

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-1** (Cantrell, Carnes, Keith, Marshall, Midget, Shivel, Walker, Wright "aye"; no "nays"; Sparks "abstaining"; McArtor "absent") to **APPROVE** the preliminary plat for Riverwest, subject to special conditions and standard conditions per staff recommendation.

* * * * *

23. **WestRidge Plaza** – (8214) Preliminary Plat (PD 8) CD 2
Southeast corner of West 81st Street South and South Union Avenue
(Continued from 1/28/09)

STAFF RECOMMENDATION:

This plat consists of seven lots, one block, on 30.6 acres.

The following issues were discussed December 18, 2008 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG with PUD-765 pending. All PUD standards must be followed and shown in the covenants.
2. **Streets:** Provide additional eight feet of right-of-way along Union for 388 feet from intersection with 81st street for right turn lane. Show clearly the dimension of right-of-way along 81st Street dedicated by this plat. For existing right-of-way show plat # or book and page #. Provide documentation that DOT (Department of Transportation) right-of-way allows access from 81st Street. In Section I 1.1 sidewalks include the following – The owner/developer shall construct required sidewalks, where sidewalks are not constructed by the owner/developer, the builder of each lot shall construct the required sidewalk. Clarify 40-foot right-of-way dimension dedicated by this plat on West 81st Street South. Should it read 50 feet? Label and specify driveway access dimension at driveway accessing West Union Avenue at the southwest corner of development property. Clarify ODOT (Oklahoma Department of Transportation) easement to right-of-way.
3. **Sewer:** Does an ODOT easement include the right to place utility lines within the easement? If not, then additional easement will be required where the sanitary sewer line crosses the ODOT easement. Additional easement is required along the east boundary where the proposed 12-inch sewer line is located. Easement is required for the proposed sanitary sewer within Lot 1, Block 1, as well as the sewer adjacent to Reserve A. Be sure to maintain adequate separation between your proposed water and sanitary sewer lines.

4. **Water:** Show a 20-foot restrictive waterline easement with distances and bearings. Include the standard language for the restrictive waterline easement. Show the 20-foot restrictive waterline easement for the proposed water main line. Installed fire hydrants should have a spacing of no more than 400 feet apart.
5. **Storm Drainage:** Label "Reserve C Stormwater Detention Easement" as such. Remove the contours from the plat and place them on the conceptual plan. Storm sewers, which cross lot lines, are public storm sewers and must be placed in a storm sewer easement, from the last structure before the upstream lot line all the way to the outlet structure.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.
7. **Other: Fire:** 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 the distance requirement shall be 600 feet.

GIS: No comment.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A 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; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-1-0** (Cantrell, Carnes, Keith, Marshall, Midget, Shivel, Sparks, Walker "aye"; Wright "nay"; none "abstaining"; McArtor "absent") to **APPROVE** the preliminary plat for WestRidge Plaza, subject to special conditions and standard conditions per staff recommendation.

* * * * *

24. **PUD-744-A – Khoury Engineering** (PD-6) (CD-9)

East of northeast corner of East 42nd Place and South Peoria Avenue
(Major Amendment for 14 single-family dwellings/patio homes on 45- to
50-foot wide lots with a maximum height of 42 feet.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21621 dated September 13, 2007,
established zoning for the subject property.

PROPOSED ZONING: RS-3/RM-1/ **PROPOSED USE:** Single-family
PUD

RELEVANT ZONING HISTORY:

BOA-20581 October 9, 2007: The Board of Adjustment approved a Variance of
the maximum permitted height of 35 ft. for buildings located in the RM-1 district to
permit town homes up to 42 ft. in height, on property located on the northwest
corner of East 41st Place and South Quincy Avenue and north of subject
property.

PUD-744 September 2007: All concurred in approval of a proposed Planned
Unit Development on a 1.97± acre tract of land for a town homes development
with 25 units on property located east of northeast corner of East 42nd Place &
South Peoria Avenue and the subject property.

PUD-541-C March 2004: All concurred in denial of a proposed Major
Amendment to PUD-541 to add auto body painting to the permitted uses on a
150' x 345'± square foot property, located south of Southeast corner East 42nd
Street South and South Peoria Avenue.

BOA-19931 October 26, 2004: The Board of Adjustment approved a Special
Exception to permit Offices, Studios and Support Services in an RM-2 District; a
Variance of the frontage requirement on a public street for each lot; and a
Variance to reduce the landscaped area from the perimeter driveways and
parking areas from 5 feet in with to 2 feet in width, subject to development
standards, finding this would be less intrusive and less density in the
neighborhood than the previously planned townhouse development.

PUD-541-B July 1998: All concurred in approval of a proposed Major
Amendment to PUD-541 to permit an auto repair use subject to modifications on
property located on the northeast corner of South Peoria Avenue and East 44th
Place.

PUD-541-A October 1996: All concurred in approval of a proposed Major
Amendment to PUD-541 to add a residential zoned lot to PUD-541 for off-street

parking on property located on the northwest corner of 44th Place South and South Quaker Avenue.

PUD-541 January 1996: All concurred in approval of a request to rezone a 16.8± acre tract located on the east side of South Peoria Avenue between East 43rd Street and East 44th Street for a mixed use development.

PUD-480 April 1992: All concurred in approval of a proposed Planned Unit Development on a 5.35± acre tract of land for a grocery store and restaurant (Albertson's) subject to no access from 39th Street on property located north and east of northeast corner of East 41st Street an South Peoria Avenue.

Z-6338/PUD-476 November 1991: All concurred in approval of a request for rezoning a .4± acre tract of land from RM-2 to CS on the for a parking lot and mini storage on property located east of northeast corner of East 41st Place South and South Peoria Avenue.

BOA-12311 December 2, 1982: The Board of Adjustment approved a Special Exception for off-street parking on a tract in an RS-3 District; and a Special Exception or a temporary waiver of the screening requirement on the north boundary of the off-street parking location to allow for fan fence or shrubbery, in lieu of screening wall for one year, subject to no access to 42nd Street and that the screening fence on the south and east boundary line be erected on the property immediately on property located at 4143 South Peoria Avenue.

BOA-4527 December 9, 1964: The Board of Adjustment approved a home beauty shop on Lot 11 Block 4, of Jennings-Robards Addition and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.97± acres in size and is located east of northeast corner of East 42nd Place & South Peoria Avenue. The property appears to be vacant and is zoned RS-3/RM-1/ PUD-744.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 41 st Place	Residential	50 FT	Two
East 42 nd Street	Residential	50 FT	Two
South Quincy Avenue	Vacated		vacated

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

SURROUNDING AREA: The subject tract is abutted on the east by single- and multifamily residential zoned RS-3 and RM-2; on the north by East 41st Place and

single- and multifamily uses zoned RM-1 and RM-2; on the west by commercial and multifamily zoned RM-2, RM-1, RS-3 and CH; and on the south by East 42nd Street South and single-family residential zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low-Intensity and within a 'Special Consideration Area' of the District 6 Comprehensive Plan. According to the Zoning Matrix, the requested use **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

PUD-744-A is a 1.969 acre tract (85,769 so) located east of northeast corner of East 42nd Place & South Peoria Avenue. The site is a relatively flat and is abutted by an Arby's restaurant and an apartment building to the west; a mix of multi-family and single-family uses to the north across East 41st Place; vacated South Quincy Avenue and a mix of multifamily and single-family uses to the east; and single-family uses to the south across East 42nd Street South. The north half of the property is zoned RM-1, Multifamily while the south half is zoned RS-3, Single-family Residential. Current underlying zoning permits 14 dwelling units therefore no zoning changes are being requested.

On August 1, 2007 the TMAPC approved PUD-744 permitting a 25 unit town home development on 20-foot wide lots with a height limitation of 42-feet. Due to what the applicant describes as changing market conditions, major amendment PUD-744-A proposes a less intensive 14 single family dwellings/patio homes on 45 to 50-foot wide lots with a maximum height of 42-feet.

The Residential Multifamily district, RM-1, requires minimum livability space of 600 square feet per dwelling unit, while the RS-3 zoned requires a livability space of 4,000 SF per dwelling unit. PUD 744-A proposes a minimum of 3,400 SF of livability space per lot, with 2,000 square feet within each lot and 1,400 SF per dwelling unit provided in Reserve A as permitted by §1104, C of the Zoning Code.

The proposed patio homes will face East 41st Place and East 42nd Street South with garages in front and recreational space in the center/interior of the property (see Exhibit A). Access to the lots will be from the street onto which each lot has frontage. Reserve A will be limited to recreational amenities including open space, pool and recreational equipment and facilities, and uses customarily accessory to single-family dwellings.

The proposed development conforms to the policies and goals of the Brookside Infill Development Design Recommendations, a component of the Brookside Infill Neighborhood Detailed Implementation Plan for the Southern Brookside Residential Area, a 'Special Consideration Area' of the District 6 Comprehensive

Plan. Components of the Plan and Design Recommendations are attached for reference as Exhibit C.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-744-A as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-744-A 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:**

LAND AREA:

Net Area:	1.98 AC	86,445 SF
Gross:	2.37 AC	103,132 SF

PERMITTED USES:

Patio Homes: As permitted in RM-1, Multi-Family Residential Zoning Districts and Use Unit 6 – Single Family Dwellings.

Reserve A: Open Space, pool and recreational equipment, and uses customarily accessory to residential uses.

MINIMUM LOT AREA: 0.0975 Acres (4,250 SF)

MAXIMUM FLOOR AREA RATIO PER LOT: 0.50

MINIMUM LOT FRONTAGE: 45 feet (along public street)

** Within 35 feet of the East property line the maximum building height shall be 35 feet.*

MINIMUM BUILDING SETBACKS:

From R.O.W. line of East 41st Place: 20 feet

From R.O.W. line of East 42nd Street South: 20 feet

Side Setbacks: 5 feet

MINIMUM BUILDING SEPARATION: 10 feet

MAXIMUM BUILDING HEIGHT: 42 feet *

* *Within 35 feet of the East property line the maximum building height shall be 35 feet.*

OFF-STREET PARKING:	2 spaces per dwelling unit
LIVABILITY SPACE PER DWELLING UNIT:	3,400 SF (2,000 SF per lot and 1,400 SF in Reserve A per §1104,C.)

SIGNS:

One project identification ground sign shall be permitted along the East 41st Place and East 42nd Street frontages each with a maximum of 32 square feet of display surface area and 12 feet in height.

ACCESS AND CIRCULATION:

Access to individual lots will be derived from the street onto which the lot has frontage. Sidewalks will be provided along East 41st Place South and East 42nd Street South per subdivision regulations.

3. No sign permits shall be issued for erection of entry signs until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
5. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, common and reserve areas, including any stormwater detention areas, sidewalks, trails, parks, security gates, guard houses or other commonly owned structures within the PUD.
6. No building permit shall be issued until the requirements of Section 1107.F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions. The final plat shall serve as the detail site plan.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

8. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, County Engineering and the appropriate water/ fire district, prior to issuance of a building permit for the gates or guard houses.
9. A public clubhouse and/or pool, if proposed in Reserve A, must receive detail site plan approval from TMAPC prior to issuance of a building permit for the clubhouse and/or pool.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

General: A revised plat and a revised IDP (PFPI) must be done. See stormwater comments.

Water: No comments.

Fire: No comments.

Stormwater: In Exhibit A: The Finished Floor Elevations (FFE's) on the east half of the development are too low to comply with minimum FFE's approved for PFPI No. 869. Plat No. 6215 has been approved and filed for this development area. The Plat requires 39-foot wide Floodplain Easements (FP/E) along the north and south sides; And Reserve "A" has ten-foot wide FP/E along the east and west sides, with a 45'X65' and a 102'X45' FP/E in the middle area of the Platted Area. This is not what Exhibit A shows. Further, the Plat has 45-foot building setbacks, from 41st Place and 42nd Street. Exhibit A is not in compliance with the platted building setbacks.

Wastewater: All proposed lots have access to sanitary sewer service, so OK for PUD Amendment. However, the concept plan shows a common service line for at least two properties, and that will not be allowed.

Transportation: Confirm if 25' Right-of-Way (ROW) is available from center line all along 41st Place. The street appears to taper from 50' to 46' at the Peoria Street end. Additional ROW dedication may be required. Five-foot wide sidewalks required along 41st Place and 42nd Street. Add standard sidewalk language in Access and Circulation Section on Page 3.

INCOG Transportation:

- MSHP: No comment
- LRTP: South Peoria Avenue, between 41st Street South and 51st Street South, existing four lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- TMP: No comment
- Transit: Currently, Tulsa Transit operates an existing route on South Peoria Avenue and 41st Street South. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No Comments.

TMAPC COMMENTS:

Ms. Wright asked Mr. Sansone why on the maximum building height, it was raised to 42 feet. In response, Mr. Sansone stated that 42 feet was the original building height that was approved for the townhouse development and he believes that the applicant would like to keep the overall height at 42 feet to get the floor area they would like for each of the homes. The homes are not designed to be extremely large, but given the narrowness of the lots, they would like to keep the originally approved height.

Ms. Wright stated that the 42 feet in height was approved for a different plan. In response, Mr. Sansone stated that it was originally approved for a much more intensive plan of 25 units and this is reduced to 14 lots. Ms. Wright stated that the approval was for a previous plan and not for anything that has come before the Planning Commission or this was approved previously and not in conjunction with this. This is a historic approval and not a present approval. In response, Mr. Sansone stated that PUD-744 was originally approved to permit the 42 feet in height except in the eastern 35 feet of the PUD and as proposed the applicant wanted to keep the permitted height as well as the limit on the eastern 35 feet of the PUD.

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 **8-1-0** (Cantrell, Carnes, Keith, Marshall, Midget, Shivel, Sparks, Walker "aye"; Wright "nays"; none "abstaining"; McArtor, "absent") to recommend **APPROVAL** of the major amendment for PUD-744-A per staff recommendation.

Legal Description for PUD-744-A:

Lots 6 through 11, Block 4, and a part of vacated Quincy Avenue, Jennings-Robards Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From RS-3/RM-1/PUD (Residential Single-family District/Residential Multifamily District/District/Planned Unit Development [PUD-744]) To RS-3/RM-1/PUD (Residential Single-family District/Residential Multifamily District/District/Planned Unit Development [PUD-744-A])**

OTHER BUSINESS:

Commissioners' Comments

Ms. Wright stated that she would like to get clarification on when the Planning Commission goes into review if this is done before the motion. Several things have been pushed without any review and she just wanted clarification if the review is done before asking for a motion or do the motion and then forget doing the review.

Ms. Cantrell stated that she asks for any discussion after everyone's comments and at that point if anyone has any concerns they should raise them, but if not, then she will request a motion.

Ms. Wright stated that she is going to request that Mr. Carnes refrain for a few minutes so that someone can collect his/her thoughts before pushing through a motion.

Ms. Cantrell stated that though a motion has been made, anyone can indicate that they have some comments and she would hold the vote until everyone has their opportunity to have their say.

Ms. Wright stated that if the Planning Commission would just take a couple of more minutes it would be perhaps more relaxed.

There being no further business, the Chair declared the meeting adjourned at 2:09 p.m.

Date Approved: 2/25/09

P. Michelle Cantrell
Chairman

ATTEST: John L. Walk
Secretary