

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2556

Wednesday, August 5, 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 | None | Alberty | Boulden, Legal |
| Carnes | | Feddis | Steele, Sr. Eng. |
| Dix | | Fernandez | |
| Leighty | | Huntsinger | |
| Liotta | | Matthews | |
| Marshall | | Sansone | |
| McArtor | | | |
| Midget | | | |
| Shivel | | | |
| Walker | | | |
| Wright | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 3, 2009 at 9:36 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Comprehensive Plan Report:

Mr. Warlick reported on the progress of PlaniTulsa. The results are in and are available at www.planitulsa.org. He indicated that PlaniTulsa plans to meet with the Planning Commission on a monthly basis throughout the calendar year in order to help understand the plan. He explained that there are a lot of ways to get the Planning Commission involved in the updates and give them the option on how to proceed.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agenda.

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Minutes:

Approval of the minutes of July 15, 2009 Meeting No. 2554

On **MOTION** of **CARNES** the TMAPC voted 9-0-1 (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; Shivel "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of July 15, 2009, Meeting No. 2554.

Minutes:

Approval of the minutes of July 22, 2009 Meeting No. 2555

On **MOTION** of **CARNES** the TMAPC voted 9-0-1 (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; Shivel "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of July 22, 2009, Meeting No. 2555.

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

CONSENT AGENDA

Mr. Midget in at 1:40 p.m.

Ms. Cantrell stated that the following items will be removed from the consent agenda: Items 8, 19, 21, and 23.

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.

- 3. **LS-20316** – Tulsa Habitat For Humanity (0225)/Lot-Split (PD 2) (CD 1)

Northwest corner of North Madison Avenue and East Seminole Place, 924 East Tecumseh

- 4. **LS-20318** – Kyle M. Smalygo (2406)/Lot-Split (County)

Southwest corner of East 178th Street North and North 113th East Avenue, 17708 North 113th East Avenue

- 5. **LS-20319** – Sack And Associates (8328)/Lot-Split (PD 26) (CD 8)

South of East 109th Street and east of South Oswego Avenue, 10908 South Pittsburg Avenue East

6. **LC-187** – Sack And Associates (8328)/Lot Combination (PD 26) (CD 8)
South of East 109th Street and east of South Oswego Avenue, 10908
South Pittsburg Avenue East
7. **LC-188** – Sack And Associates (8328)/Lot Combination (PD 26) (CD 8)
South of East 109th Street and east of South Oswego Avenue, 10908
South Pittsburg Avenue East
9. **LS-20321** – Lou Reynolds (0429)/Lot/Split (PD 16) (CD 6)
South of East Apache Street and west of North 129th Avenue, 2112
North 129th East Avenue
10. **LS-20322** – First American Title (7223)/Lot-Split (County)
Southwest corner of South Elwood Avenue and West 156th Street,
15608 S Elwood Avenue
11. **LS-20323** – Whit Mauzy (9405)/Lot-Split (PD 17) (CD 6)
Northeast corner of East 7th Street and South 127th East Avenue, 655
South 127th East Avenue
12. **LS-20275** – Tulsa Development Authority (0236)/Lot-Split (PD 2) (CD 1)
West of North Hartford Avenue and south of East Latimer Court, 636
East Latimer Court
13. **LC-189** – Tulsa Development Authority (0236)/Lot Combination (PD 2) (CD 1)
West of North Hartford Avenue and south of East Latimer Court, 632
and 640 East Latimer Court
14. **LC-185** – Jack Arnold, AIA (9317)/Lot Combination (PD 6) (CD 9)
North of East 27th Place and east of South Lewis Avenue, 2411 East
27th Place
15. **LC-186** – San Juan Pools (0236)/Lot Combination (PD 2) (CD 1)
South of East Easton Street and west of North Norfolk Avenue, 1024
East Easton Street
16. **LC-193** – First American Title (7223)/Lot Combination (County)
Southwest corner of South Elwood Avenue and East 151st Street

17. **Shwiyat Estates –** (8419) Final Plat (PD 5) (CD 5)
North of 21st Street South, west of South Memorial Drive

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 1.89 acres.

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

18. **St. John Tulsa Federal Credit Union –** (9307) Final Plat (PD 4) (CD 4)
Northwest corner of West 13th Place and South Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of one lot in one block on .545 acres.

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

20. **Z-7134 –** (9306) Plat Waiver (PD 4) (CD 4)
1600 East 4th Street, north of 4th Place, east of South Trenton Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to IL.

Staff provides the following information from TAC at their July 16, 2009 meeting:

ZONING:

TMAPC Staff: The property has been previously platted. Lot combinations may be necessary in the future.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

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

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

| | Yes | NO |
|---|------------|-----------|
| 1. Has Property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |
| 3. Is property adequately described by surrounding platted properties or street right-of-way? | X | |

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

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

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

22. **PUD-166-K-1 – Richard West** (PD-18) (CD-8)
 Southeast corner of East 91st Street and South Sheridan Road (Minor Amendment to allow a second ground sign.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow a second ground sign on the southeast corner of 91st Street and Sheridan Road; described as Lot 1, Block 1 – Quick Trip First.

Section 1107, H-12 of the code allows modifications to approved signage by minor amendment provided the size, location, number and character (type) of the sign(s) is not substantially altered.

The original development plan for PUD-166 was approved in 1974 and included a Quick Trip store located on the subject parcel. PUD-166 has had eleven (11) major amendments approved, most notably major amendment PUD-166-C which directly addressed this tract. PUD-166-C was approved in 1983 adding Use Unit 17 – Automotive and Allied Activities as a permitted use on the lot. As staff understands a retail tire store replaced the Quick Trip. In 1997, major amendment PUD-166-K was approved allowing the Dry Cleaner use within Use Unit 13 – Convenience Goods and Services. The existing building was subject to an addition and a second business was established on the lot. At the time of that approval the sign requirements for the PUD were not adequately addressed to allow each business to have a sign.

The underlying CS zoning permits as many ground signs on the lot as possible, so long as the length of street frontage permits the total display area and the signs maintain a minimum 30' separation. Within PUDs, signs must maintain a minimum 150' separation which will limit the number of potential signs. There is one approved 148.5 square foot (SF) sign along the 91st Street Frontage for the Dry Cleaner (see Exhibit A). The 185 lineal feet of frontage along 91st Street permits this display area. The requested second sign is proposed for 80.64 SF

at 23' over-all height (OAH) (see Exhibit B). With 185 lineal feet of frontage along Sheridan Road, the underlying zoning would allow a second ground sign with 185 SF of display area at 25' OAH. The new sign will abide by the 150' sign separation requirement in a PUD.

Staff does not believe the addition of the second sign represents a significant departure from the original development plan for PUD-166-C and PUD-166-K, nor does it significantly alter the character of the PUD or the intent of the PUD Chapter of the Code. Therefore, staff recommends **APPROVAL** of minor amendment PUD-166-K-1 limiting the permitted ground signage for Lot 1, Block 1 – Quick Trip First to that which is allowed by right in the CS district.

Note: Approval of a minor amendment does not constitute detail sign plan approval.

24. **PUD-535-1 – Dennis Blind** (PD-6) (CD-9)

North of the northeast corner of East 41st Street South and South Peoria Avenue (Minor Amendment to add Use Unit 11 – Office, Studios and Support Services to the permitted uses of PUD-535 to allow for an ophthalmology office.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add Use Unit 11 – Office, Studios and Support Services to the permitted uses of PUD-535 to allow for an ophthalmology office. There is no request to change any existing development standards of PUD-535 which will remain effective.

Located on the southwest corner of 39th Street and South Peoria Avenue this fully developed site is the former location of an 8,500 square foot Hollywood Video movie and game rental store. Approval of this minor amendment will allow for the adaptive reuse of this now vacant building as a family eye care practice.

Section 1107, H-15 allows the TMAPC to approve by minor amendment, “Changes in an approved use to another use, provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties”. The underlying zoning of the tract is CH a district which allows Use Unit 11 by right.

It is staff’s contention that the reuse of this building for a medical office/eye care facility will not result in any increase of incompatibility with the present and future use of the proximate properties. Given the location on an arterial street with easy access to ample screened parking in the rear, staff feels permitting the new use will not generate any more traffic than was created by a retail video rental store.

Staff contends the approval of the additional use is minor in nature and believes that approval of the minor amendment will not substantially alter the approved PUD standards and the character of the development. Therefore, staff recommends **APPROVAL** of minor amendment PUD-535-1.

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

25. **Z-7008-SP-1 – Logan’s Roadhouse Inc.** (PD-8) (CD-2)

North of the northwest corner of South Olympia Avenue and West 81st Street South (Corridor Detail Plan for 6,505 SF Logan’s Roadhouse Restaurant.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 6,505 square foot (SF) Logan’s Roadhouse restaurant. The proposed use, Use Unit 12 – Eating Establishments Other Than Drive-ins is a permissible use within this Development Area of the Tulsa Hills Corridor District. Associated with this detail site plan is Lot Combination LC-199, being heard by the TMAPC on 8/19/09. The lot-split creating this parcel was approved by minor amendment Z-7008-SP-1 in March 2008.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. The landscape plan meets the requirements of the CO District, as well as, the landscape chapter of the Zoning Code. All sight lighting is limited to 28-feet in height and is directed down and away from adjoining properties. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along South Olympia Ave. as required by Tulsa Hills CO District Development Standards and Subdivision regulations.

Since the submitted plan meets all the requirements of the Tulsa Hills Corridor District development plan, staff recommends **APPROVAL** of the detail site plan for Logan’s Roadhouse on the northern ½ of Lot 7 and southern ½ of Lot 6, Tract B, Block 1 – Tulsa Hills.

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

26. **Z-7008-SP-1 – Michael Dwyer** (PD-8) (CD-2)
Northeast corner of South Olympia Avenue and West 81st Street
(Corridor Detail Plan for a 4,695 SF financial facility.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 4,695 SF Credit Union. The proposed use, Financial Institution within Use Unit 11 – Office, Studios and Support Services including drive-thru banking facilities is a permitted use within Development Area G of the Tulsa Hills Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Tulsa Zoning Code. Landscaping has been provided per Chapter 10 of the Tulsa Zoning Code. All sight lighting is limited to 12-feet in height and will be directed down and away from adjacent properties. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks will be provided along Olympia Avenue and West 81st Street as required by CO District Development Standards and Subdivision regulations.

Since the submitted detail site plan meets all the development standards of the approved Tulsa Hills corridor district development plan, staff recommends **APPROVAL** of the detail site plan for the Oklahoma Central Credit Union to be located on Lot 1, Block 2 – Tulsa Hills.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 3 through 7, Item 9 through 18, 20, 22, 24, 25, and 26 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

8. **LS-20320** – Stephen Schuller (9432)/Lot-Split (PD 17) (CD 6)
Southwest corner of East 51st Street and South 129th East Avenue

Ms. Cantrell stated that Item 8 was removed to allow for an abstention on the vote.

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-1** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; Dix "abstaining"; none "absent") to **APPROVE** the ratification of lot-split LS-20320 per staff recommendation.

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- 19. **Change of Access –** (9329) Lot 4, Block 1, Trade (PD 6) (CD 9)
 Winds Addition
 North of 51st Street and west of South Harvard Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access to add access along East 49th Street South. The property is zoned PK and CO.

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

TMAPC COMMENTS:

Ms. Cantrell asked if the exit will only be allowed to be a right-turn, which is in the exhibit, and she wanted to make sure that it is a condition. Ms. Fernandez stated that it could be made a condition. There is a median in place and would prevent a left-turn, but the applicant is in agreement with a right-turn only condition.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the change of access per staff recommendation with the condition that there be a right-turn lane only.

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21. **PUD-629-2 – Stephen Meltzer**

(PD-4) (CD-4)

North of the northwest corner of South Peoria Avenue and East 11th Street South (Minor Amendment to increase the maximum building height.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the maximum building height on Lot 7, Block 1 only of the Village at Central Park. Specifically, the request is to increase the maximum building height from 35' to 42' to allow for an enclosed access to the roof as well as an open pergola (see Exhibit A101).

Section 1107, H-9 of the zoning code states that the TMAPC may approve by minor amendment, "changes in structure heights provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered".

Please refer to the attached case aerial photographs. This structure is located on the perimeter of the development. It is staff's contention, confirmed by site visit, that an increase in the permitted structure height of this single unit will not limit the view of any other unit within the development.

Please refer to the attached letters of support for this request from the Chair of the Architectural Control Committee of the Village at Central Park, as well as, owners of other units within the development.

Provided the aforementioned, staff views this request as minor in nature and believes that approval of the minor amendment does not substantially alter the approved PUD standards and the character of the development. Therefore, staff recommends **APPROVAL** of minor amendment PUD-629-2.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-629-2 per staff recommendation.

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23. **PUD-636-4 – Architects Collective**

(PD-8) (CD-2)

North of the northeast corner of South Union Avenue and West 81st Street South (Minor Amendment to increase the permitted structure height in Area E only from 42 feet to 55 feet to allow for a clock-tower type structure.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted structure height in Area E only from 42' to 55' to allow for a clock-tower type structure to be constructed along the U.S. Highway 75 right-of-way (ROW). The request is being made for the structure in question only and would not be extended to any other Development Area or habitable building located within the entirety of PUD-636. Wishing to utilize the property proximity to U.S. Hwy. 75, the applicant wishes to place a sign on the structure and cites a 15-foot difference in elevation between the location of the structure and U.S. Highway 75 as necessitating the over-all height of the structure.

Section 1107, H-9 of the zoning code states that the TMAPC may approve by minor amendment, “changes in structure heights provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered”.

Existing development standards for PUD-636 allow structures in Area E up to 42' in height while the underlying Corridor District zoning has no height limitations. In the absence of sign standards for the development area the PUD defaults to the corridor chapter of the code, which refers to Section 1221, C and D for restrictions on signs. Section 1221, D-1 of the Code states that signs along a designated freeway may be up to 50' in total height. Referring to Exhibit P-8, the sign being proposed for placement on this structure will actually be 45' 8" in height, within the limits of Section 1221, D-1.

Since the property is located within a designated freeway corridor, there is a considerable height difference between grade at the base of the structure and the highway travel lanes, and there is 230' of ROW between the structure and the travel lanes, staff can support the request.

Staff finds the proposed minor amendment does not represent a significant departure from the approved Development Plan and approved PUD development standards, nor does it substantially change the character of the PUD. Therefore, staff recommends **APPROVAL** of minor amendment PUD-636-4.

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

TMAPC COMMENTS:

Ms. Cantrell asked staff to clarify the height. Mr. Sansone stated that the sign will be hung at 50 feet and the structure for the sign will be over the 50 feet. It would be the same as a building with a wall sign on it. The sign itself meets the requirements for the district.

INTERESTED PARTIES COMMENTS:

Kenneth White, Tulsa Airport Authority, expressed concerns with the height of the structure and would like the Planning Commission to defer their decision until the FAA has a chance to study this proposal. If the Planning Commission prefers to approve this today, he asked that they make it a condition that the developer would adhere to the FAA's determination.

TMAPC COMMENTS:

Mr. Marshall asked Mr. White if he was sent anything prior to today's meeting. In response, Mr. White indicated that he received the information from the agenda and exhibit. Mr. White stated that his concern is that the subject property is already bumping up against the airspace standards now and if it goes up an additional twelve feet it might be a problem, but only the FAA can determine that.

Mr. Walker asked what the standards are for the subject area. Mr. White stated that the standard is 787.9 feet. If one assumes that the ground level is 750 feet and then adding another 50 feet would be 805 feet, which will be protruding by 18 feet into the airspace.

Mr. Midget asked what the estimated time would be for the FAA to make a determination. Mr. White stated that it could be four to six weeks for the initial determination and if it was determined to be a problem, then it would have to be put out to public comment, which takes 30 days and then it would probably be three months.

Mr. Shivel asked Mr. White if he had an exhibit that demonstrates the approach pattern to the airport, because 18 feet would be less than the standard 42 feet. Mr. White stated that he doesn't have anything with him. He explained that there was a similar development up the street from the subject property and there was no problem. This is something that the FAA has to determine.

Ms. Wright asked what the projected growth of the Riverside Airport for the next 20 years. Mr. White stated that it can't expand and it is probably the third or fourth busiest airport in the Nation. There would have to be Federal money available to purchase property before any expansion could take place and he doesn't see that happening in the future. Ms. Wright asked why there isn't an

FAA overlay on the entire area. Mr. White stated that there is an overlay, but he doesn't have it with him today.

Applicant's Comments:

Russell McDaris, 4200 East Skelly Drive, 74135, the main project was approved by the FAA and the study was required to approve all of the heights within the development. The finished floor elevation for the base of the subject tower would be approximately 718 or 720 feet, plus 55 feet and would be well short of the 787.9 feet. Updating the application with the FAA for a review can be done if needed and he would accept a condition on the application that pending FAA approval, the 55 feet height can be reached.

TMAPC COMMENTS:

Mr. Midget stated that it would be better for the Planning Commission to approve it with the condition of meeting all FAA requirements, rather than requiring everyone to return for an additional meeting.

Ms. Cantrell asked Mr. White if it would be acceptable to him for the Planning Commission to approve the subject application with the condition that all FAA requirements are met. In response, Mr. White answered affirmatively.

Mr. Leighty asked staff if this is a routine thing that is addressed at a TAC meeting. In response, Mr. Sansone stated that these things were looked at when the PUD was initially proposed. When changes are minor in nature staff doesn't have a way to notify the FAA and staff relies on the fact that it was looked at once already. If this is conditionally approved, the applicant has to come back to be approved on the detail level. Mr. Leighty stated that it is still a change in height and amending what was originally approved and if this is subject to FAA restrictions should they not have been contacted. Mr. Sansone stated that minor amendments do not go to the TAC meetings.

Mr. Alberty stated that the FAA does not attend TAC meetings. Staff relies on the Tulsa Airport Authority to basically identify potential problems. The FAA application had been approved for a building within the development that actually has a relative elevation higher than what is being asked. If one takes the 720 base elevation of the pad, add the 55 feet and this brings it to relatively 775 feet and he believes that Mr. White stated that 787.9 feet was the height they were concerned about. Mr. White didn't exactly know where the base of the elevation was. The Planning Commission can take some comfort that what is being approved is actually a lower relative elevation than what the FAA has already approved on the building. With the condition that the applicant must meet the FAA requirements, he can almost assure the Planning Commission that the proposal will meet the FAA approval based on what Mr. White has stated and based on FAA's prior approval.

Mr. Leighty stated that the reason he asked these questions is because if this comes up again, how would the Planning Commission know it could be a problem until after the fact? In response, Mr. Alberty stated that staff sends notices to the Tulsa Airport Authority, but not to the FAA. Mr. Leighty asked Mr. White if he received a notice. In response, Mr. White stated that he picked it up from the meeting notice.

Mr. McArtor asked Mr. Alberty if he stating that there is no need for a contingency for this approval. Mr. Alberty stated that with the figures he has heard today he believes that is true, but if the Planning Commission feels comfortable putting the condition on the approval it is not a problem.

Ms. Wright asked Legal if the Planning Commission were to approve this application without FAA approval, what kind of position that does put the Planning Commission into regarding the logistics between the developer and the FAA. Mr. Boulden stated that he wouldn't be concerned about being cross-wise with the FAA because those are separate series of statutes and regulations. The Planning Commission's approval today is really under zoning and planning conditions. Mr. Boulden stated that if the Planning Commission wishes to approve this application he would feel comfortable with the condition that all FAA requirements are met.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-1** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Wright "aye"; no "nays"; Walker "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-636-A per staff recommendation, subject to the applicant meeting all of the FAA requirements.

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Mr. Midget out at 2:04 p.m.

PUBLIC HEARING

27. **The Retreat at Brookside South Amended –** (9330) (PD 6) (CD 9)
Preliminary Plat

South of the Southeast corner of East 41st Street South and South Peoria Avenue

STAFF RECOMMENDATION:

This plat consists of 12 lots, two blocks, on 1.96 acres.

The following issues were discussed July 16, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 744 A. Fix typos in covenants. All PUD requirements must be shown in the covenants.
 2. **Streets:** Show right-of-way on west side of development. Sidewalks required along 41st Place and 42nd Streets. Provide sidewalk note on face of plat.
 3. **Sewer:** Add the required easement for the relocated sanitary sewer line, in accordance with the plans for SSID 739 (B) Rev, and as included on the plat for the Retreat at Brookside South. The proposed storm line appears to be in a sanitary easement. Much of that easement is no longer necessary and should be vacated. Until vacated the storm line cannot be placed there. In Section I C 2, omit the words "in excess of 3 feet".
 4. **Water:** Add surrounding addition names. Certificate of Authorization for both engineer and surveyor has expired as of June 30, 2009. Section D after the word "the" add "above paragraphs".
 5. **Storm Drainage:** The plat, that is being amended, had numerous notes relative to the requirements for this Additions' placement in the Perryman Ditch City of Tulsa Regulatory Floodplain. Those same notes must be placed on the face of this plat. The boundaries of that Floodplain must be shown and labeled. The Floodplain in this multiple lot addition must be placed in a Reserve Area Overland Drainage Easement (ODE). Show and label the boundary of the ODE on the face of plat. The storage capacity of the floodplain on this site must be maximized, taking into account the proposed structures and obstructions. A Finished Floor Elevation of 637.3 NGVD29 or higher must be required and labeled on each lot. Add City of Tulsa standard covenant language for Overland Drainage Easement in a Reserve area. Use City of Tulsa Standard Covenant Language for water, sanitary sewer, and storm sewer service. Add a roof drainage subsection to state that: "All roof drains must be piped to the public drainage system. The designer should consider the existing curb inlets along the two streets and arrange the lots so that the inlets do not interfere with the drives.
 6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
 7. **Other: Fire:** No Comments.
- GIS:** Add e-mail address for surveyor. Show proper street names and addresses on face of plat.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for The Retreat at Brookside South Amended per staff recommendation, subject to special conditions and standard conditions.

* * * * *

28. **Ogan's Circle** – (0225) Preliminary Plat (PD 2) (CD 1)
Southwest corner of North Lansing Avenue and East Virgin Street

STAFF RECOMMENDATION:

This plat consists of 14 lots, one block, on 3.21 acres.

The following issues were discussed July 16, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-4.
2. **Streets:** Additional 15 feet of right-of-way required along Virgin. Minimum radius of curves along Virgin must be 30 feet. LNA is not required along Lansing. Sidewalk required along Virgin Street and Lansing Avenue and Court. Sidewalk note required on face of plat or in covenants.
3. **Sewer:** The existing PVC sanitary sewer line, from existing manhole # 110 to existing manhole # 627, must be replaced by ductile iron pipe to meet City of Tulsa Design Criteria.
4. **Water:** A waterline extension processed with City of Tulsa Engineering Services.
5. **Storm Drainage:** Please remove the contours from the face of plat. The Covenants have language for an Overland Drainage Easement (ODE), but none were shown on the face of plat. Residential flooding occurs in the

public drainage system down stream from this site. Therefore detention for the increased runoff must be provided unless no adverse impact can be shown. In "Flood Information" the date of the atlas should be January 2008. If a stormwater detention facility and easement, and/or an overland drainage easement are used; then they must be placed in a reserve, and the City of Tulsa standard language, for the maintenance of that type of easement in a reserve, must be added to the covenants.

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

7. Other: Fire: No comments.

GIS: Submit a subdivision control data form (Appendix D), last page of the Subdivision Regulations for the Tulsa Metropolitan Area, in which the first point shall be the POB (point of beginning) with two other points on or near the plats' boundary. The street name should be North Kenosha Court instead of North Lansing Court.

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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Ogan's Circle per staff recommendation, subject to special conditions and standard conditions.

* * * * *

29. **PUD-759-1 – Tanner Consulting, LLC**

(PD-26) (CD-8)

North of the northwest corner of East 121st Street South and South Sheridan Road (Minor Amendment to increase the permitted height of a screening wall and two architectural features for the development.)
(related to item 30)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted height of a screening wall and two architectural features for the development. Specifically, the request is to allow only the stone columns of the wall to be 10' in height; allow two wall sections at the residential development entry containing the signs for the development to be 10' in height; and two architectural features at the residential entry of the development to be 16.26' in height (please refer to attached Exhibit LS03).

Section 1107, H-9 of the zoning code states that the TMAPC may approve by minor amendment, "changes in structure heights provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered". By definition in section 1800 of the zoning code, the term "structure" includes "anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, parking areas, walks, fences, and signs".

To reiterate, applicant is not seeking an increase to 10' for the entire wall, but rather for the columns alone, two sections of wall near the residential entrance where the development identification signs will be, and two architectural features at the residential entrance to the development. The City of Tulsa Fire Marshall and Traffic Engineering have both signed off for the gates and entry features. There are no line-of-sight-issues as indicated by the Traffic Engineering sign-off.

Since the request is not seeking to increase the height of the entire wall, staff views the request as minor in nature and believes that approval of the minor amendment will not substantially alter the approved PUD standards and the character of the development. Therefore, staff recommends **APPROVAL** of minor amendment PUD-759-1.

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

Mr. Midget in at 2:14 p.m.

TMAPC COMMENTS:

Ms. Cantrell stated that the pillars are treated like buildings, but she doesn't see where the Zoning Code allows the Planning Commission to permit a wall that is ten feet in height. Ms. Cantrell read Section 210 of the Zoning Code and stated that she doesn't believe that the PUD standards authorize changing this standard. If the change is necessary, it needs a variance granted from the Board of Adjustment. Ms. Cantrell read Section 1107 of the Zoning Code, which determines a minor or major amendment, but she doesn't believe it gives the Planning Commission authority to change the bulk and area requirements.

Mr. Boulden stated that he has looked at the provision in Section 210 of the Zoning Code and it does refer to required yards. He is not sure if this is a required yard. The subject property is zoned CS and RS-3 and he doesn't know where these structures are relative to CS. Within a PUD, he is not sure if the Planning Commission has, for residential purposes, imposed the yard requirements, which are normally applicable to RS districts on residential uses within a PUD that may be in a CS district. He is not sure where these are relative to the CS and if it is in the CS district then it may not be in a required yard and therefore could be granted.

Discussion ensued between Mr. Boulden and Mr. Sansone away from the microphone explaining where the subject wall would be located within the PUD.

Mr. Boulden stated that after looking at the PUD provisions, it says one cannot vary, unless specifically modifying the conditions of the underlying zoning remain in affect.

Ms. Cantrell asked Mr. Boulden if he is stating that CS doesn't have a required yard and fences could be any height in the CS district. Mr. Boulden stated that it is arguable, but obviously when conditions are posted to a PUD then the height would be limited. Ms. Cantrell stated that the wall that exceeds ten feet looks like a sign and could it be classified as a sign as opposed to a wall. Mr. Boulden stated that it possibly could be a sign or both.

Applicant's Comments:

Mark Bullock, Crestwood at the River, LLC, 11122 South Yale Avenue, 74137, stated originally there was a ten-acre tract that was split into five acres of CS and five acres residential. His intent was to have a screening fence and prevent sound. On the southernmost section there is an eight-foot full masonry column walls that separate the commercial from the residential. There is an enormous amount of buffer along Sheridan because they gave the County 1.8 acres of right-of-way. There are approximately 60 to 70 feet from the centerline of the street to the wall at eight feet in height. The columns have to be higher than eight feet and the applicant decided on ten feet. The height of the columns has to do with the effect and look.

TMAPC COMMENTS:

Ms. Cantrell stated that she doesn't have a problem with it, but she is trying to figure out how it can be done and still meet the Zoning Code.

Ms. Wright moved to approve per staff recommendation.

Ms. Cantrell stated that she would like to see if Mr. Boulden has any more comments before voting.

Mr. Boulden stated that based on what he knows right now, he believes the Planning Commission could approve the application.

Mr. Leighty stated that he understands the request for today, but it does put the Planning Commission in a sense of setting a precedent. He doesn't want anyone thinking that they can come down and get an automatic deal. He has no objection to this since it is for the entrance and the wall will actually be eight feet.

Ms. Cantrell stated that she agrees with Mr. Leighty but she doesn't want anyone to think that ten-foot walls are appropriate. This looks like an entrance sign and it would be okay to be a couple of feet higher in order to be visible from the street.

Mr. Alberty stated that this was not an arbitrary decision by the staff. Staff has taken the position that within a PUD, it states that height can be prescribed. There are heights within PUDs that exceed what the zoning requires. Had this been straight zoning, there would be no question they would have to go before the Board of Adjustment.

TMAPC Action; 11 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-1** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Wright "aye"; no "nays"; Walker "abstaining"; none "absent") to **APPROVE** minor amendment for PUD-759-1 per staff recommendation.

* * * * *

30. **PUD-759 – Tanner Consulting, LLC** (PD-26) (CD-8)

North of the northwest corner of East 121st Street South and South Sheridan Road (Detail Site Plan for a masonry wall, emergency access gates between the residential and commercial developments and gates and entry features for the main entry to the residential development.) (related to item 29)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a masonry wall, emergency access gates between the residential and commercial developments and gates and entry features for the main entry to the residential development. Associated with this site plan review is minor amendment PUD-759-1 also on the August 5, 2009 agenda of the TMAPC. Approval of this detail site plan is contingent upon approval if the aforementioned minor amendment request.

Should the Planning Commission approve the minor amendment request the submitted site plan meets all applicable height and setback limitations. Access to the site is provided from two emergency only access points along the southern border of the residential development shared with the commercial development to the south and one main access point to the residential development from South Sheridan Road. The City of Tulsa Fire Marshall and Traffic Engineering have signed off in approval of the access points and gates.

Staff recommends **APPROVAL** of the detail site plan for the masonry wall, gates, and entry features located on Lots 1, 2, and 3, Block 2 and Lots 1 and 2, Block 5 – Crestwood Village.

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

TMAPC COMMENTS:

Mr. Liotta asked about the stormwater drainage along Sheridan. Mr. Bullock stated that the drainage issues have already been addressed. There are concrete blocks (conduit) for almost 100 feet with dual systems, which span about 35 to 40 feet across. It will flow underneath 121st and flow out to Fry Ditch.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-1** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Wright "aye"; no "nays"; Walker "abstaining"; none "absent") to **APPROVE** the detail site plan for PUD-759 per staff recommendation.

* * * * *

31. **CZ-400 – TMAPC**

AG/IM to FD

North of northeast corner of North Harvard Avenue and (County)
East 61st Street North (related to item 32)

STAFF RECOMMENDATION:

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

PROPOSED ZONING: FD

PROPOSED USE: Floodway

RELEVANT ZONING HISTORY:

CZ-298 March 2002: All concurred in approval of a request for rezoning a 19+ acre tract of land from AG to IL for light industrial use on property located on the northwest corner of East 66th Street North and North Yale Avenue.

CZ-277 January 2001: All concurred in approval of a request to rezone the south five acres of the subject property located on the northwest corner of East 66th Street and North Yale Drive, from AG to IM. No resolution was published and the tract remains AG-zoned.

CZ-269 September 2000: All concurred in approval of a request to rezone a 17-acre tract located west of the northwest corner of East 66th Street North and North Yale Drive and fronting East 66th Street and U. S. Highway 75 North from AG to IM for a proposed office and warehouse.

CZ-257 November 1999: All concurred in approval of a request for rezoning a 56.3+ acre tract of land from AG to IM for industrial use, on property located on the west side of North Yale Drive between East 66th Street North and East 76th Street North.

CZ-217 October 1994: All concurred in approval of a request to rezone a 988+ acre tract located on the east side of North Yale Avenue between East 61st Street North and East 76th Street North, from IL to IM, less a 200' strip along East 76th Street, a 150' strip along North Yale Avenue, and eight acres of Amoco property, all of which remained in IL zoning.

CBOA-204 June 18, 1982: The Board of Adjustment approved a Special Exception to allow a sanitary landfill in an AG District, subject to the Tulsa City-County Health Department regulations, subject to the County Engineer's requirements, for a period of three years, on property located at the northeast corner of East 56th Street North and North Harvard Avenue and abutting south of subject property. On June 24, 1983 the application was brought back before the Board to consider and define the previous conditions of approval. After discussion and agreement that the applicant had three years to gain meet those

guidelines, the Board took action stating the applicant does not have approval of a sanitary landfill until Health Department approval is granted (whether by county or state), and to Deny the Building Inspector's request to rescind the special exception action on Case No. 204.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 19.6± acres in size and is located Northeast corner of North Harvard Avenue and East 61st Street North. The property appears to be vacant and is zoned AG. The site is located entirely within the Bird Creek and Flat Rock Creek floodplains (regulatory floodways).

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|----------------------|--------------------|-----------------|-----------------------|
| North Harvard Avenue | N/A | N/A | N/A |

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

SURROUNDING AREA: The subject tract is abutted on the east by apparently vacant land, zoned IM and AG; on the north by U.S. 75, zoned AG; on the south by a landfill, zoned AG; and on the west by U.S. 75, zoned AG and vacant land, also zoned AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This area is not currently encompassed within any District Plan, nor is it within the North Tulsa County Plan. According to the Regulatory Floodplain Map Atlas, the property lies within two regulatory floodplains, which designation allows very limited use and virtually no development.

STAFF RECOMMENDATION:

The site's location entirely within the two regulatory floodplains makes it unsuitable for most types of development as a matter of public safety. Therefore, staff recommends **APPROVAL** of FD zoning for CZ-400.

TMAPC COMMENTS:

Ms. Cantrell stated that the County Zoning Ordinance states that the Planning Commission is supposed to transmit this to the County Engineer and receive the County Engineer's review of the application. Is it okay for the Planning Commission to move forward with this without the review? Ms. Matthews stated that she has had several conversations with the County Engineer and it will not be a problem to get the review. Ms. Cantrell asked if the County Engineer is in approval of this rezoning. Ms. Matthews answered affirmatively.

Mr. Alberty stated that the County Engineer was brought in when there was an application for the IM. That is where the information came regarding FD zoning. Mr. Alberty further stated that after it has been zoned FD, then there is a

requirement for a letter from the County Engineer stating that he has reviewed all of the hydrological studies. This is definitely within a floodway and there is no question about the rezoning.

Mr. Dix wanted to know what uses could be in a FD district. Mr. Alberty stated all of the listed uses from the County Code that are permitted by right and by special exception through the Board of Adjustment. A billboard is allowed in an FD district, but it is not allowed in AG district. Ms. Cantrell stated that basically, no structure that is habitable can be within the FD district.

Interested Parties Comments:

John Moody, 5610 East 76th Street, 74136, stated that he originally filed this application for industrial zoning, but because of the floodplain zoning, it was decided it would be better to file for FD zoning.

Mr. Moody stated that he did meet with the County Engineer to discuss this application and he agreed that FD zoning would be appropriate. The uses would be appropriate, but it would have to be reviewed and filed as a special exception, such as a cell tower or an outdoor advertising sign. The structure cannot interfere with the floodway.

TMAPC Action; 11 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-1-0** (Cantrell, Carnes, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; Dix "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the FD zoning for CZ-400 per staff recommendation as requested by the TMAPC.

Legal Description for CZ-400/TMAPC:

All that part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) lying south and east of the right-of-way of U.S. Highway 75 North, Section 4, Township 20 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, containing approximately 19.6 acres, more or less.

* * * * *

32. **CZ-400 – John W. Moody** **AG/IM to IM**
 North of northeast corner of North Harvard Avenue and East 61st Street North (Continued from 6/17/09) (related to item 31) (County)

STAFF RECOMMENDATION:

Withdrawn by the applicant.

* * * * *

33. **Z-7138 – Tulsa Engineering and Planning/Tim Terral** **RS-3 to PK**
 South side of East 49th Street South (1/8 mile west of South Harvard) (PD-6) (CD-9)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-5412 February 1981: A request for rezoning a 7.5± acre tract of land from RS-3/RM-1/CS to CG/CH/PUD (PUD-238) or CO with the intent to expand the existing motel, on property located on the southwest corner of South Harvard Avenue and East 49th Street and abutting south of the subject property. Staff recommended that Corridor was the best zoning for the area and all others concurred and approved for CO zoning less the north 10 feet and PK zoning on Lots 1, 2, and 3 Block 1, Trade Winds; less the north 10 feet.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1250± square feet in size and is located west of the southwest corner of East 49th Street and South Harvard Avenue. The property appears to be vacant and is zoned RS-3. It is a long, narrow strip of land that the property of the hotel to the south (the owner is the same person is the owner of subject property) needs for access and parking. The widening of I-44 and improvements to the Harvard intersection has made this necessary.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------|---------------------------|------------------------|------------------------------|
| East 49 th Street | N/A | N/A | 2 |

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant (cleared) land and an Oriental museum zoned RM-1; on the north by apartments, zoned RM-2; on the south by a parking lot, zoned PK, in conjunction with a hotel, zoned CO; and on the west by vacant land, 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-Residential land use, adjacent to Medium Intensity-Residential land use to the east. According to the Zoning Matrix, the requested PK zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

Based on recent developments in the area, including the widening of the expressway, related intersection improvements and property clearance, staff can support the requested rezoning. If approved, this will allow the property owner of the hotel and guest's access off of East 49th Street, as access was formerly off of South Harvard, but the intersection improvements have precluded that. If not approved, hotel customers will be forced to access the hotel via a circuitous route through adjacent neighborhoods. Therefore, staff recommends **APPROVAL** of PK zoning for Z-7138.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the PK zoning for Z-7138 per staff recommendation.

Legal Description for Z-7138:

The northerly 10 feet of Lot 1, Block 1, Trade Winds Addition an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, Plat No. 3098 as filed in the records of the Tulsa County Clerk's office.

* * * * *

34. **Z-7139 – David Bodeen, PE**

RS-3 to CO

Northeast corner of South Mingo and East 63rd Street

(PD-18) (CD-7)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11830 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7080 January 2008: A request was made to rezone a 4.7+ acre tract of land from CO to OM. All concurred in denial of the OM and approval of OL for Public school play fields, on property located at the southeast corner of East 62nd Street and South Mingo Road and north of subject property.

Z-7035 September 2007: All concurred in approval of a request for rezoning a 2± acre tract of land from RS-3 to CS for retail sales, on property located south of southeast corner of South Mingo Road and East 61st Street.

Z-7061 August 2007: All concurred in approval of a request for rezoning a .87± acre tract of land from RS-3 to OL for office use, on property located on the southeast corner of East 63rd Street and South Mingo Road.

Z-6882 March 2003: All concurred in approval of a request for rezoning a 2.9± acre tract of land from OL to CO for church athletic fields, on property located south of southeast corner of East 63rd Street and South Mingo Road.

Z-5903-SP-4 March 2003: All concurred in approval of a proposed Corridor Site Plan on 6.3± acre tract for church athletic fields, on property located south of southeast corner of East 63rd Street and South Mingo Road.

Z-5903-SP-3 November 2002: All concurred in approval of a proposed Corridor Site Plan on 1.1± acre tract for a two-story office building, on property located southeast of southeast corner of East 63rd Street and South Mingo Road.

Z-6840/PUD-656 November 2001: A request to rezone a 2.37± acre tract from CO to IL/PUD on property located south of southeast corner of East 61st Street South and South Mingo Road and abutting north of subject property, for uses permitted by right and exception in an IL district excluding Use Unit 12A. Staff recommended denial of IL zoning and for the PUD but the TMAPC recommended approval per modifications. The City Council approved the rezoning and PUD per modifications.

Z-5908-SP-1 February 1989: All concurred in approval of a request for rezoning a 3.24+ acre tract of land for a softball and baseball hitting arena and building for video games, concessions, control area for batting machines and restrooms with conditions that no lights shall be placed in the north 150' of the east 200' and all lights in east half of property shall be turned off by 11pm; limit to one-story height of any structure; and no gravel for parking area on property located on the southeast corner of East 62nd Street South and South Mingo Road.

Z-5903-SP-2 April 1995: All concurred in approval of a proposed Corridor Site Plan on 6.3+ acre tract for Miller Swim School, on property located south of southeast corner of East 63rd Street and South Mingo Road.

Z-5903-SP-1 April 1995: All concurred in approval of a proposed Corridor Site Plan on 3.25+ acre tract for indoor and outdoor skating rinks, on property located south of southeast corner of East 63rd Street and South Mingo Road.

Z-6254/Z-6254-SP-1 September 1989: All concurred in approval of rezoning a .4-acre lot located on the northeast corner of East 63rd Street South and South Mingo Road from RS-3 to CO and approval was also granted on a detail corridor site plan, Z-6254-SP-1 on the property for a small appliance business in the existing building.

Z-6044 June 1985: All concurred in approval a request for rezoning a .6+ acre tract of land from RS-3 to CO for mixed use on property located south of southeast corner of South Mingo Road and East 62nd Street South. No corridor site plan was ever approved for the property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.17+ acres in size and is located east of the northeast corner of South Mingo Road and East 63rd Street. The property appears to be used residentially and is zoned RS-3.

STREETS:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------|---------------------------|------------------------|--|
| East 63 rd Street | N/A | N/A | 2 (barely; no curbs/gutters and narrow roadway, consistent with older residential development) |

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

SURROUNDING AREA: The subject tract is abutted on the east by scattered large-lot single-family residential uses, zoned RS-3; on the north by an industrial/office use, zoned OL/PUD-656; on the south by large-lot single-family residential uses, zoned RS-3; and on the west by a vacant lot, zoned OL (northern lot) and an apparently vacant lot and a mixed use, zoned CO (southern lot).

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within a Corridor and if not developed to that intensity, Low Intensity-No Specific land use. According to the Zoning Matrix, the requested CO zoning is in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and trends in the area, staff can support the requested CO zoning and recommends **APPROVAL** of CO zoning for Z-7139.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the CO zoning for Z-7139 per staff recommendation.

Legal Description for Z-7139

All of the east 340' of Lot 5, Block 4, Union Gardens Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

35. **PUD-648-B/Z-6001-SP-3 – Roy D. Johnsen** (PD-8) (CD-2)

Northeast corner Highway 75 and West 71st Street South (Major Amendment/Corridor Plan) (related to item 36)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22058 dated May 22, 2009, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7130 May 2009: All concurred in approval of a request for rezoning a 2.29± acre tract of land from AG to CS for commercial uses on property located at the northwest corner of Highway 75 South and West 71st Street.

Z-7122/PUD-768 February 2009: All concurred in approval of a request for rezoning a 6.39± acre tract of land from AG to OL/CS and a proposed Planned Unit Development for mixed use development including retail/office/hotel on property located east of the northeast corner of Highway 75 South and West 71st Street.

Z-7119 December 2008: A request was made, for rezoning a 2.3± acre tract of land from AG to CS for CS uses and outdoor advertising sign, on property located on the northwest corner of West 71st Street and Highway 75 South. The applicant withdrew the application prior to meeting date.

Z-6001-SP-2/PUD-648-A June 2007: All concurred in approval of a proposed Major Amendment to a PUD on a 55± acre tract of land for a development with six development areas for office, restaurant, hotel and hospital uses on property located on the northeast corner of West 71st Street South and Highway 75 South.

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio, on property located east of US Highway 75 between West 71st and West 81st Streets.

Z-6001-SP-1/PUD-648 May 2001: A Planned Unit Development and Detail Corridor Site Plan were approved for hospital and office use on a 56 acre parcel located on the northeast corner of West 71st Street and U. S. High 75 South. The original CO zoning for this parcel had been approved in 1984 from AG to CO.

Z-6589 May 1997: A request to rezone a 5.8± acre tract of land from AG to CS was approved for CS to a depth of 660' south from the center of the section line on West 71st Street South, with the balance of the tract to remain AG on property located south of the southwest corner of West 71st Street and U. S. Highway 75 South.

Z-6468 January 1995: All concurred in approval of a request to rezone a 5± acre tract from AG to CS on property located on the southwest corner of West 71st Street and U. S. Highway 75 South.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 53± acres in size, is located Northeast corner of Highway 75 South and West 71st Street and has a general slope from west to east. The property is partially developed with office uses, including the Tulsa Spine Hospital and is zoned CO/PUD-648-A.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------------|-------------------------|-----------------|-----------------------|
| West 71 st Street South | Primary Arterial | 120' | Four |
| South Olympia Avenue | Commercial Collector | 80' | Two |

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land zoned AG and RS-3, two developed large lots zoned RS-3 and OL/CS/PUD zoned property; on the north by vacant land zoned AG; on the west by U.S. Highway 75; and on the south by West 71st Street and then CO zoned property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being part of the Turkey Mountain Special District, Corridor area. According to the Zoning Matrix, the requested PUD major amendment **may be found** in accord with the Plan by virtue of the subject site's location within a Special District. In May of 2001 the TMAPC found the existing CO zoning to be in accord with the plan.

STAFF RECOMMENDATION:

PUD-648/Corridor District Site Plan Z-6001-SP-1 is a 53 (+/-) acre tract located at the northeast corner of West 71st Street South and U.S. Highway 75. The property which is the subject of this major amendment, designated as PUD-648-B and Corridor District Site Plan Z-6001-SP-3, consists of approximately 7.16 net acres of the initial 55 acres of PUD-648 (refer to attached case map and aerial photographs).

As stated above the subject tract is abutted on the east by unplatted vacant land zoned AG and RS-3. The tract is also boarded on the east by platted RS-3 zoned land – Cates Addition and CS/OL/PUD-768 zoned property; on the north by unplatted vacant land zoned AG; on the west by U.S. Highway 75; and on the south by West 71st Street South and then the Tulsa Hills Regional Shopping Center, zoned CO (see attached zoning case map).

The applicant contends the result of the increase in commercial activity in the area generated by Tulsa Hills, is the demand for commercial lots fronting 71st Street rather than lots dedicated to office uses (see attached Exhibit A). In response to this demand the applicant is proposing to convert two former storm

water detention reserves, originally platted as Reserve Areas A and D, into lots dedicated to commercial development. The conversion of these lots from stormwater detention to developable lots has received the approval of the City of Tulsa Stormwater Management per the Technical Advisory Committee (TAC) comments below which read; "This is an approved privately funded public improvement project (PFPI) to eliminate the two detention areas in question, and to transfer stormwater intended for these detention areas to the larger 'Reserve Area B' which has the capacity to handle this transfer.

The purpose of this major amendment is to:

- Establish permitted uses within these areas;
- Allocate floor area to the new development areas;
- Establish and set forth bulk and area requirements for former Reserve Areas and to include them within Phase I development;
- To reallocate floor area from Development Area E to Development Areas A and D; and
- To add Use Unit #13, Convenience Goods and Services, to the permitted uses of Tract 2C, Block 1, Olympia Medical Park II and Development Area E (see Exhibit B).

Referring to Exhibit C, Reserve Areas A and D would now be Tract A and Tract D and will remain in Development Area A. The two tracts are intended for retail and/or office uses. To the two new tracts, 20,000 square feet of floor area is proposed for allocation. The 40,000 SF of floor area dedicated to these tracts comes from a reallocation of 10,000 square feet from Lot 1, Block 2, Olympia Medical Park II in Development Area E and 30,000 square feet from a proposed increase in aggregate floor area for the over-all development. The underlying CO zoning would allow 3,039,077.5 square feet of floor area at a 1.25 floor-to-area ratio (FAR). Given that, proposed increase in aggregate floor area from 823,800 square feet (.34 FAR) to 853,800 square feet (.35 FAR) is viewed by staff as a modest increase in floor area (3%) (See Exhibit D).

Part of the approval of PUD-648-A included a requirement that once Phase I of Olympia Medical Park reached a floor area of 315,000 SF, a review of the intersection of West 71st Street and Olympia Avenue would be done to investigate the necessity for improvements to the intersection due to increased traffic. This Phase I requirement will remain in effect in spite of the fact that an additional 30,000 SF of floor area is being added to Phase I.

Staff has reviewed the development proposal and can support the application. Particularly since the City of Tulsa Stormwater Management team has determined that the extra stormwater run-off generated by the elimination of the two small detention ponds can be handled by the remaining detention area within the Olympia Medical Park.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-648-B/Corridor District Plan Z-6001-SP-3 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 and CO Chapters of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-648-B/Z-6001-SP-3 subject to the following conditions:

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

DEVELOPMENT AREA A – Tract A*

Permitted Uses:

Uses included within Use Unit 11. Office, Studios and Support Services including financial institutions with drive-through facilities; hospitals, as provided within Use Unit 5. Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12. Eating Establishments Other Than Drive-Ins , including restaurants with accessory bar; Uses included within Use Unit 13. Convenience Goods and Services; and those uses customary and accessory thereto.

Maximum Building Floor Area: 20,000 SF
Maximum Building Height: 65 feet.

Minimum Building Setbacks:

From 71st Street right of way: 50 feet
From centerline of Olympia: 65 feet
From other boundaries: 10 feet

Off-street Parking:

As required by the applicable use unit.

Minimum Landscaped Area: 10% of net lot area

** Except as modified above the development standards for PUD-648-A shall remain applicable.*

DEVELOPMENT AREA A – Tract D*

Permitted Uses:

Uses included within Use Unit 11. Office, Studios and Support Services including financial institutions with drive-through facilities; hospitals, as provided within Use Unit 5. Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12. Eating Establishments Other Than Drive-Ins, including restaurants with accessory bar; Uses included within Use Unit 13. Convenience Goods and Services; and those uses customary and accessory thereto.

Maximum Building Floor Area: 20,000 SF

Maximum Building Height: 65 feet

Minimum Building Setbacks:

| | |
|-----------------------------|-----------|
| From centerline of Olympia: | 65 feet |
| From east boundary: | 77.5 feet |
| From other boundaries: | 10 feet |

Off-street Parking: As required by the applicable use unit.

Minimum Landscaped Area: 10% of net lot area

** Except as modified above the development standards for PUD-648-A shall remain applicable.*

DEVELOPMENT AREA E*

Permitted Uses:

Uses included within Use Unit 11. Office, Studios and Support Services including financial institutions with drive-through facilities; hospitals, as provided within Use Unit 5. Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12. Eating Establishments Other Than Drive-Ins, including restaurants with accessory bar; Uses included within Use Unit 13. Convenience Goods and Services; and those uses customary and accessory thereto.

Maximum Building Floor Area: 15,000 SF

** Except as modified above the development standards for PUD-648-A shall remain applicable.*

DEVELOPMENT AREA D-TRACT 2-C*

Permitted Uses:

Uses included within Use Unit 11. Office, Studios and Support Services including financial institutions with drive-through facilities; hospitals, as provided within Use Unit 5. Community Services and Similar Uses; hotels and motels as provided within Use Unit 19. Hotel, Motel and Recreation Facilities; Uses included within Use Unit 12. Eating Establishments Other Than Drive-Ins, including restaurants with accessory bar; Uses included within Use Unit 13. Convenience Goods and Services; and those uses customary and accessory thereto.

Maximum Building Floor Area:

35,000 SF

PLATTING REQUIREMENT

Development areas may be developed in phases, and no building permit shall issue until the development phase for which a permit is sought has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Council of the City of Tulsa, and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development and the City of Tulsa shall be a beneficiary thereof. Existing platting (Olympia Medical Park and Olympia Medical Park II) shall constitute the required platting of the properties therein located and covenants of record implementing these amendments shall be effectuated by separate instrument, submitted to and approved by the Tulsa Metropolitan Area Planning Commission and filed of record.

3. No building permit shall be issued for a lot within the PUD/ 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 PUD/ Corridor Site Plan development standards.
4. The minimum parking setbacks from the east boundary of the PUD shall be 75 feet.
5. Screening along the north and east boundaries of the PUD shall be determined by TMAPC at the time of Detail Site Plan Review.
6. Sidewalks shall be provided and/or maintained along the north side of West 71st Street South and along both sides of South Olympia Avenue. In addition, designated pedestrian access (i.e., paving or striping) shall be provided from West 71st Street South or South Olympia Avenue sidewalks to each building with frontage on that arterial or collector street.

7. Accommodation for transit buses is required, either through bus pullouts or other means (i.e. access through parking lots) which allow buses to load and unload and return south on South Olympia Avenue.
8. Within a development area, allocated floor area may be transferred to another lot or lots by written instrument executed by the owner of the lot from which the floor area is to be allocated provided however the allocation shall not exceed 10% of the initial allocation to the lot to which the transfer of floor area is to be made.
9. Parcelization within development areas is permitted subject to approval by the Tulsa Metropolitan Area Planning Commission of a minor amendment establishing floor area allocations and confirming the existence of any necessary cross parking and mutual access easements.
10. 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 or will be installed within 30 days 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.
11. No sign permits shall be issued for erection of a sign on a lot within the PUD/ 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 PUD/ Corridor Site Plan development standards.
12. 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.
13. 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.
14. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the PUD/ Corridor Site Plan.

15. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
16. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
17. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
18. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
19. Approval of the PUD/ 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.
20. 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/ 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 PUD/ Corridor Site Plan.

TAC COMMENTS:

General: No comments.

Water: Each lot must abut a water main.

Fire: No comments.

Stormwater: This is an approved privately funded public improvement project (PFPI) to eliminate the two detention areas in question, and to transfer stormwater intended for these detention areas to the larger 'Reserve Area B' which has the capacity to handle this transfer.

Wastewater: Access to Sanitary Sewer Service must be provided for all lots within the PUD.

Transportation: In the Development Standards add an Access and Pedestrian circulation saying sidewalks and handicap access will be provided for pedestrian circulation.

INCOG Transportation:

- MSHP: 71st Street between Union Avenue and Elwood Avenue is a designated Primary Arterial.

- LRTP: US-75, between 61st St. S. and 71st St. S., planned six lanes. 71st St. S., between Peoria Ave. and US-75, planned six lanes. Sidewalks should be constructed if non-existing or maintained if existing.
- TMP: No comment
- Transit: Currently, Tulsa Transit operates existing routes on 71st St. S. all the way to Union Ave. 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.

GIS: No comments.

Street Addressing: No comments.

TMAPC COMMENTS:

Mr. Marshall asked Mr. Steele how the applicant will get all of the drainage down to Reserve B from the distance that it is today. Mr. Steele the applicant will have to provide inlets for each location and a conduit to transport by gravity to flow to the other detention facility. Mr. Steele explained the options that can be done if necessary.

Applicant's Comments:

Roy Johnsen, 201 West 5th Street, Suite 501, 74103, stated that there were comments that this application was reducing the detention, which is untrue. The applicant is actually reducing the geographic area, but the detention capacity or capability to handle stormwater runoff will not be decreased. There is a flow to the north with the natural flow of land. It was determined that the two detention areas in the front were not needed if the stormwater runoff could be moved to the larger area to the north. An engineering study was done on feasibility and costs and then was reviewed by the City of Tulsa. Mr. Johnsen listed all of the changes in the subject area that has made this possible.

TMAPC COMMENTS:

Mr. Marshall asked how Development Areas E and D will be accessed. In response, Mr. Johnsen stated that there will be a service road to access these two developments due to the topography.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the major amendment and corridor plan for PUD-648-8/Z-6001-SP-3 per staff recommendation.

Legal Description for PUD-648-8/Z-6001-SP-3:

A tract of land that is part of the East half of the Southwest quarter (E/2 SW/4) of section two (2), Township eighteen (18) North, Range twelve (12) East of the Indian Base and Meridian, Tulsa, County, State of Oklahoma, according to the United States Government survey thereof, said tract of land being described as follows, to-wit: Commencing at the Southeast corner of said E/2 of the SW/4 of said section 2; thence North 00°05'16" West along the Easterly line thereof for 80.00 Feet to a point on the Northerly Right-of-Way line of West 71st Street South; thence North 89°42'48" West along said Right-of-Way line a distance of 430.00 feet; thence South 00°05'16" East a distance of 5.00 feet; thence North 89°42'48" West along said Right-of-Way line a distance of 120.00 feet to the Southwest corner of Reserve A of Olympia Medical Park, Plat No. 5567, said point being **The Point of Beginning**; thence North 15°43'07" West along the West line of said Reserve A, a distance of 220.00 feet; thence North 17°32'44" East a distance of 193.11 feet; thence north 57°53'56" East a distance of 40.00 feet to a point of the West Right-of-Way of South Olympia Avenue; thence North 32°06'04" West a distance of 0.00 feet to a point of curve to the right; thence along said curve to the right having a radius of 350.00 feet a distance of 69.68 feet; thence South 69°10'43" West a distance of 366.77 feet to a point on the East right of U.S. Highway No. 75; thence South 11°56'23" East a distance of 327.08 feet along said East Right-of-Way to a point of intersection of the East Right-of-Way of U.S. Highway No. 75 and the North Right-of-Way of West 71st Street South; thence South 89°42'22" East a distance of 265.77 feet along said North Right-of-Way to **The Point of Beginning**, containing 2.53 acres, more or less.

There being no further business, the Chair declared the meeting adjourned at 2:44 p.m.

Date Approved:

8-19-09

Michelle Cantrell

Chairman

ATTEST:

John A. Walker

Secretary