

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2624

Wednesday, April 18, 2012, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Carnes	Midget	Alberty	Edmiston, Legal
Covey		Bates	Steele, Sr. Eng.
Dix		Fernandez	
Edwards		Huntsinger	
Leighty		Matthews	
Liotta		Sansone	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 12, 2012 at 1:05 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Walker welcomed Mr. Michael Covey to the TMAPC. Mr. Walker stated that at a future meeting he would like to recognize Michelle Cantrell for her service on the TMAPC.

Work Session Report:

Mr. Walker reported that there will be a work session immediately following the TMAPC regular meeting.

Director's Report:

Mr. Alberty reported on the TMAPC receipts for the month of March 2012. He further reported that the receipts are down for this month, but slightly above the year to date.

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

Mr. Alberty reported that INCOG has hired Dwayne Wilkerson who will be replacing Chris Sansone and starts May 14, 2012.

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AGENDA:

CONSENT AGENDA:

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

1. **LC-391** (Lot-Combination) (CD-4), Location: Northeast corner of East 17th Street South and South Harvard Avenue
2. **LS-20501** (Lot-Split) (CD-1), Location: West of the southwest corner of North Utica Avenue and East Easton Street (Related to LC-393 and LC-394)
3. **LC-393** (Lot-Combination) (CD-1), Location: West of the southwest corner of North Utica Avenue and East Easton Street (Related to LS-20501)
4. **LC-394** (Lot-Combination) (CD-1), Location: West of the southwest corner of North Utica Avenue and East Easton Street (Related to LS-20501)
5. **LC-395** (Lot-Combination) (CD-4), Location: Southwest corner of East 3rd Street South and South Rockford Avenue
6. **LS-20502** (Lot-Split) (County), Location: North of East 156th Street North and west of North 137th East Avenue
7. **LS-20503** (Lot-Split) (County), Location: South of the southeast corner of East 126th Street North and North 75th East Avenue
8. **LS-20504** (Lot-Split) (CD-2), Location: East of the southeast corner of West 23rd Street South and Southwest Boulevard
9. **LS-20507** (Lot-Split) (CD-4), Location: West of the southwest corner of Forest Boulevard and South Zunis Avenue

10. **LC-396** (Lot-Combination) (CD-4), Location: West of the southwest corner of Forest Boulevard and South Zunis Avenue
11. **PUD-531-1/Z-6034-SP-1a – Roy D. Johnsen/Manley Properties Limited Partnership**, Location: North of the northeast corner of East 81st Street South and South Mingo Road; Requesting a **PUD/Corridor Plan Minor Amendment** to reconfigure Development Area C into two development areas, reallocate permitted dwelling units, request an increase in building height and permit one extra sign to identify the multifamily units in Area C-2, **CO/CS**, (CD-7)
12. **PUD-677-A-2 – Tulsa Engineering & Planning/Tim Terral**, Location: North of the northwest corner of East 121st Street South and South Kingston Avenue, Requesting a **Minor Amendment** to reduce the required front setback on this residentially zoned lot from 25 feet to 24 feet to reflect as built conditions, **RS-1**, (CD-8)
13. **PUD-686-8 – Irfan Farooqui**, Location: West of the northwest corner of South Delaware Avenue and South Sandusky Avenue, Requesting a **Minor Amendment** to increase the permitted coverage of the required front yard by a driveway to 56% coverage, **RS-2/PUD**, (CD-8)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

PUBLIC HEARINGS:

14. **FY 13-17 CIP Review for conformance to the Comprehensive Plan**
As required by State Statute, the TMAPC must review any requests for expenditures for capital projects in the City for conformance with an adopted Comprehensive Plan.
15. **Charles L. Hardt Operations and Maintenance and Engineering Center – (6013)** (CD 1) Preliminary Plat, Location: Southeast of intersection of North Harvard Avenue and Mohawk Boulevard
16. **Third and Greenwood Addition – (1912)** (CD 4) Preliminary Plat, Location: East of Greenwood Avenue, north of East 3rd Street
17. **Life Church Jenks –** Minor Subdivision Plat, Location: Southeast corner of West 81st Street and South Maybelle Avenue (4812) (CD 2)
18. **PUD-634 A, Lot 1, Block 1, Ledco Addition-** Plat Waiver, Location: 1002 South Lynn Lane (CD 6) (Related to Item 19)

- 19. **PUD-634-A – Kenny Green/A Best Air & Heat, Inc.**, Location: North of the northwest corner of East 11th Street and South 177th East Avenue, Requesting a **Major Amendment** to add Heating Contractor only within Use Unit 15 – Other Trades and Services as a permitted use and eliminate the “building, maintenance and storage of race cars and their transportation vehicles, of the owner of the property” as a permitted use., **AG/OL/CS/PUD-634 to AG/OL/CS/PUD-634-A**, (CD-6) (Related to Item 18)

- 20. **PUD 792** - Plat Waiver, Location: Southeast corner of West Edison Street and North 27th West Avenue (CD 4) (Related to Item 21)

- 21. **PUD-792 – Tulsa Engineering & Planning/Tim Terral/Okapi Center**, Location: Southeast corner of West Edison Street and North 27th West Avenue, Requesting **PUD** to construct a 42-foot tall, two-story mixed use building with a 6,750 square foot community center on the ground floor and 1,650 square feet of office space on the second floor, **CS to CS/PUD**, (CD-4) (Related to Item 20)

OTHER BUSINESS

- 22. **Z-6304-SP-1a – Roy Johnsen**, Request for refund, staff overcharged applicant.

- 23. **Z-7198 – Kirk and Carol Gammel**, Request for refund, applicant withdrew the application.

24. Commissioners' Comments

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Mr. Dix read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Liotta stated that at the last meeting he had to leave the meeting early due to his daughter being in a car accident that was a hit-n-run. Everything is fine and she came out great. Mr. Liotta thanked Mr. Walker for allowing him to leave the meeting to take care of personal business.

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MINUTES:

CONSENT AGENDA

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

1. **LC-391** (Lot-Combination) (CD-4), Location: Northeast corner of East 17th Street South and South Harvard Avenue
2. **LS-20501** (Lot-Split) (CD-1), Location: West of the southwest corner of North Utica Avenue and East Easton Street (Related to LC-393 and LC-394)
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9. **LS-20507** (Lot-Split) (CD-4), Location: West of the southwest corner of Forest Boulevard and South Zunis Avenue
10. **LC-396** (Lot-Combination) (CD-4), Location: West of the southwest corner of Forest Boulevard and South Zunis Avenue

12. **PUD-677-A-2 – Tulsa Engineering & Planning/Tim Terral**, Location: North of the northwest corner of East 121st Street South and South Kingston Avenue, Requesting a **Minor Amendment** to reduce the required front setback on this residentially zoned lot from 25 feet to 24 feet to reflect as built conditions, **RS-1**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required front setback on this residentially-zoned lot from 25 feet to 24 feet to reflect as-built conditions per the attached mortgage plat inspection.

Please note that the attached plat inspection does not acknowledge PUD Major Amendment PUD-677-A that relaxed the required front setback from 30 feet to 25 feet.

PUD-677 was approved in 2003 requiring a 30-foot setback on all the lots. PUD Major Amendment PUD-677-A was approved 2006. The purpose of the major amendment was to add approximately nine acres of adjacent land to the PUD. In addition, the major amendment relaxed the required front setback on all the cul-de-sac lots from 30 feet to 25 feet. Since the property was platted prior to the major amendment being completed, this could explain why the 30-foot setback still appears on mortgage plat inspections.

Section 1107.H.9 of the Zoning Code allows, by minor amendment, changes in building setbacks provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered. Staff views the relaxation of the front setback by one foot to be minor in nature and contends it will not substantially alter the approved Development Plan, the approved PUD standards or the character of the development.

Staff recommends **APPROVAL** of minor amendment PUD-677-A-2.

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

13. **PUD-686-8 – Irfan Farooqui**, Location: West of the northwest corner of South Delaware Avenue and South Sandusky Avenue, Requesting a **Minor Amendment** to increase the permitted coverage of the required front yard by a driveway to 56% coverage, **RS-2/PUD**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted coverage of the required front yard by a driveway to 56% coverage per the attached plan. Section 1303.D of the Code limits the amount of required front yard that may be covered by a driveway in the residential districts.

By definition, the required front yard is the area on a residential lot encompassed by the front property line (along the street) the two side lot lines and the building setback line. Please refer to the attached site plan of the property. Being a triangular shaped-lot located on a cul-de-sac, the lot is limited to 31' of frontage along the street. With the limited street frontage combined with the shallow 20-foot setback requirement, even a standard 18-foot wide driveway would exceed the 32% limit on driveway coverage.

Section 1106 of the zoning code grants the Planning Commission the authority to relax parking standards in PUDs. Since the driveway on a residential lot is defined as part of the off-street parking area, the Planning Commission has the authority to relax the permitted coverage by a driveway within the required front yard by extension.

Since the livability space requirement on this lot will be met staff views the request as minor in nature. Staff feels the increased driveway coverage will not substantially alter the approved PUD development standards or alter the character of the development.

Staff recommends **APPROVAL** of minor amendment PUD-686-8.

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

TMAPC COMMENTS:

Mr. Walker stated that Item 11 will be pulled from the consent agenda per staff's request.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 1 through 10 and Items 12 -13 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

11. **PUD-531-1/Z-6034-SP-1a – Roy D. Johnsen/Manley Properties Limited Partnership**, Location: North of the northeast corner of East 81st Street South and South Mingo Road; Requesting a **PUD/Corridor Plan Minor Amendment** to reconfigure Development Area C into two development areas, reallocate permitted dwelling units, request an increase in building height and permit one extra sign to identify the multifamily units in Area C-2, **CO/CS**, (CD-7)

STAFF RECOMMENDATION:

Established in 1995, PUD-531 is a three-development area PUD located at the northeast corner of West 81st Street South and South Mingo Road permitting commercial uses in Area A, office uses in Area B, and multi-family uses in Area C (see Exhibit A-1). There are no single-family homes adjacent to this PUD.

The purpose of minor amendment PUD-531-1 is to reconfigure Development Area C into, two development areas, reallocate permitted dwelling units, request an increase in building height and permit one extra sign to identify the multi-family units in Area C-2. Specifically the amendment seeks to:

1. Divide Area C, into new Development Areas C-1 and C-2 per the attached Exhibits B;
2. Reallocate the 375 permitted dwelling units to permit ~~89~~ 286 units in Area C-2 and 89 units in Area C-1;
3. Increase permitted building height in Area C-2 from three stories/35-feet to three stories/45-feet; and
4. Allow one monument-style sign along Mingo Road in Area ~~C-2~~ C-1 to identify the development in Area C-2.

Section 1107-H.1 allows by minor amendment adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered. Since the division of Area C will not result in an increase in land dedicated to the multi-family use, increase the number of permitted dwelling units, nor will it substantially alter the relationship of uses within the PUD staff views this request as minor in nature.

Section 1107.H.9 allows 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 note on the attached aerial photograph, there are no residential, single-family developments adjacent to this site. There is commercial development to the north, an office development to the east, office and future commercial development to the south and future multifamily development to the west. Staff views the increase in height as minor in nature, and believes the steeper pitch to the roofs will make the development more aesthetically pleasing.

Finally, staff believes the request for an additional sign along Mingo Road to identify the multi-family development will not substantially alter the size, location, number and character (type) of signs permitted in the PUD. The proposed sign along Mingo Road would be no more than 10-feet in height with 35 square feet in display surface area.

Staff recommends **APPROVAL** of minor amendment PUD-531-1 as modified by the Planning Commission (items with strikethrough have been removed, underlined items added in).

NOTE: Complete development standards for Development Areas C-1 and C-2 are attached as Exhibit A and shall become part of any approval herein. ~~Development Standards for Area C-1 shall be per PUD-531.~~

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

Development Standards for Development Area C-1 C-2:

Land Area Net:	5.208 acres
Permitted Uses:	Use Unit 8 - Multifamily Dwellings and customary accessory uses.
Maximum Dwelling Units:	89 dwelling units (DUs)
Minimum Livability Space:	600 SF/DU
Maximum Building Height:	3 stories not to exceed 45 FT
Minimum Building Setbacks:	
From centerline of Mingo Road:	85 FT
From centerline of 79th Street:	
two-story buildings -	47.5 FT
three-story buildings -	80 FT
From east boundary of Dev. Area:	11 FT
From south boundary of Dev. Area:	20 FT

Signs:

Ground signs: One monument sign identifying the multifamily project located within Development Area C-1 shall be permitted. The monument sign located along Mingo Road and within Development Area C-2, shall not exceed ten feet in height nor 35 square feet in display surface area.

Additional signage shall be determined by subsequent minor or major amendment.

Other existing development standards pertaining to Development Area C as initially set forth within PUD-531 and Corridor Conceptual Site Plan Z-6034-SP-1 shall remain applicable if not modified by the above.

EXHIBIT A

Development Standards for Development Area C-2:

Land Area Net: 12.6 Acres

Permitted Uses:

Use Unit 8 – Multi-family dwellings and customary accessory uses.

Maximum Dwelling Units: 286

Minimum Livability Space: 600 SF per dwelling unit.

Maximum Building Height: three stories not to exceed 45'.

Minimum Building Setbacks:

<u>From the centerline of Mingo Rd.:</u>	<u>85 FT</u>
<u>From the centerline of 79th St.</u>	
<u>Two-story buildings:</u>	<u>47.5 FT</u>
<u>Three-story buildings:</u>	<u>80 FT</u>
<u>From the east boundary of Area C-2*</u>	
<u>Two-story buildings:</u>	<u>11 FT</u>
<u>Three-story buildings:</u>	<u>50 FT</u>
<u>From the south boundary of Dev. Area:</u>	<u>35 FT</u>
<u>From the interior west boundary of Dev. Area:</u>	<u>11 FT</u>

** Within the east 75' of Area C-2, buildings shall be limited to 2-stories not exceeding 30' in height.*

Screening: A six-foot screening fence shall be erected and maintained along the east boundary of Area C-2.

Ground Signs: Ground signs shall be limited to one monument-style sign located along Mingo Rd. within Development Area C-1 identifying the multi-family project. The monument sign shall not exceed ten feet in height nor 35 SF in display area.

Applicant's Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, requested that the motion include the additional two development standards that he submitted regarding the property owner to the east.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minor amendment for PUD-531-1/Z-6034-SP-1a per staff recommendation and the additional standards submitted by the applicant.

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PUBLIC HEARING

14. FY 13-17 CIP Review for conformance to the Comprehensive Plan

As required by State Statute, the TMAPC must review any requests for expenditures for capital projects in the City for conformance with an adopted Comprehensive Plan.

STAFF RECOMMENDATION:

INCOG staff has reviewed the three most recently submitted proposed capital improvement project requests from the City of Tulsa, one each for a Phase I Strategic Mobility Plan, a Stormwater Local Match and a Citywide Extruded Panel Sign Installation and Replacement. State Statutes require that the Planning Commission review these for conformance to the Comprehensive Plan; as sometimes happens, the requested projects are either not within the scope of the Plan (as in the extruded signage replacement) or not actual capital improvements, but plans that may lead to future Capital Improvement funding requests (the Phase I Strategic Mobility Plan and the Stormwater Local Match). At such time as physical improvements are identified, if these projects are funded, the TMAPC will be briefed on them and given a staff review.

At the present time, however, staff can say that the Plan supports signage under the "health, safety and welfare" mandate. The use of CIP funds for plans that may lead to actual capital improvements seems premature. The Comprehensive Plan supports small area plans, but the State Statutes refer to capital improvements, not studies or research that may or may not lead to actual physical improvements. All of this is to say that, while the proposed projects are either under the scope of the Plan or not capital improvements in themselves, and staff would have no comments.

TMAPC COMMENTS:

Mr. Leighty stated that staff's memorandum is not clear of what exactly staff is stating to the TMAPC. He asked Ms. Matthews if she is stating that she recommends that these are in conformance and that the Planning Commission should vote to approve them.

Ms. Matthews stated that she is stating that staff has no comment. The two plans are plans and typically TMAPC doesn't approve plans for CIP because CIP's are usually something that is on the ground or in the ground. The plans are plans and there are other sources that might be used for that.

Mr. Leighty asked if the TMAPC is supposed to vote up or down on this. Ms. Matthews stated that it can be approved per staff recommendation, which is no recommendation.

Mr. Leighty requested to hear from Mr. Hamer.

Gary Hamer, Finance Department, City of Tulsa, stated that the purpose for submitting these is that the City always submits them to the Planning staff to determine whether what we might be considering would be in conformance with the Comprehensive Plan. Mr. Hamer further stated that he would defer to staff and the Planning Commission.

Mr. Leighty asked Mr. Hamer if the Planning Commission didn't approve this today as being in conformance with the Comprehensive Plan it would prevent it from moving forward to the City Council. In response, Mr. Hamer stated that is true. Mr. Hamer further stated that if the Planning Commission stated that if these projects or proposal were not in conformance with the Comprehensive Plan, then they could not move forward. Mr. Leighty stated that he is having a hard time understanding what is the staff recommendation today; is it to approve it or not to approve it. Mr. Leighty further stated that he doesn't understand what "no comment" means. Ms. Matthews stated that the staff has no recommendation because they are beneath the scope of the Comprehensive Plan.

Mr. Walker stated that he believes that the Planning Commission is being asked to review it and then send a recommendation that it has been reviewed by the TMAPC.

Mr. Leighty stated that he would need to approve it.

Mr. Leighty moved to approve Item 14. Mr. Stirling seconded.

Mr. Liotta asked if the Planning Commission is approving staff's none recommendation.

Mr. Stirling stated that we are saying that they do fall under the scope of the Comprehensive Plan generally.

Mr. Leighty stated that his motion is to approve it as being in conformance with the Comprehensive Plan so that it can move forward to be put on a list and put to a vote by the Citizens of City of Tulsa.

Mr. Perkins asked if a plan can be approved in the CIP plan, because we are not looking at specific items of the plan, but rather it is a plan to plan. In response, Mr. Hamer stated that the reason for this being submitted is because this plan will result in recommendations for CIPs. Those CIPs would have to be in conformance with the Long Range Transportation Plan and in conformance with the City's Comprehensive Plan. When these are submitted for informational purposes so that if there are specific items in that plan that the Comprehensive Plan or Long Range Transportation Plan would speak to or would affect that, then it is submitted for informational purposes and rely on the staff and the Planning Commission to make a determination as whether this plan would affect or impact the Comprehensive Plan. According to staff's recommendation these proposals are outside the scope of the Comprehensive Plan. He is only asking to make sure that this isn't in conflict and to make sure that all staff and the Planning Commission is aware that these plans are on the way.

Mr. Leighty stated that it is very clear that the Comprehensive Plan calls for the City of Tulsa to develop a transportation strategy. It is clear throughout the document and this request is meeting that what the plans call for.

Mr. Hamer stated that 2006 sales tax paid for the new Comprehensive Plan. Master Drainage Plans, Comprehensive Water Study and Sewer Study out of CIP funds from the enterprise funds, as well as, funding and paid for the new Comprehensive Plan from the 2006 sales tax.

Mr. Shivel asked Mr. Hamer if he is stating that this informational only and the Planning Commission will have an opportunity to review each of the individual items at a point-in-time when they become specific part of the CIPs. Mr. Hamer stated that projects that are identified in this plan, then the projects would be then forwarded to staff and then the Planning Commission for review.

Mr. Perkins stated that he doesn't want to obstruct this by any means, but it seems as if it doesn't pass the smell test and something doesn't quite make sense to him and he doesn't want to hold back or hamstring anybody, but he also asked staff if making no recommendation to the Planning Commission, it just either needs to be explained more fully or he can't support this.

Mr. Alberty stated that due to the fact that this is not a typical CIP request where there is actually going to be money allocated for a CIP, the staff is not able to comment on what might be planned within the plan. In the motion to say that it is

not in conflict with the Comprehensive Plan may be sufficient enough to move it forward.

Mr. Hamer agreed with Mr. Alberty's comments.

Mr. Leighty stated that that is not stating it correctly because it is in conformance with the Comprehensive Plan and he doesn't see how there could be any question about it. Whether or not it is a CIP project is the only thing that is really open to question. It is in conformance with the Comprehensive Plan and he doesn't see how anyone can possibly say it isn't because it is clear throughout the Plan to develop a transportation strategy and this is what will fund that process.

Mr. Alberty stated that he doesn't believe that there is any question about planning is in conformance with the Comprehensive Plan. The staff was put in an awkward position to comment in a traditional manner and that is the reason why staff is stating that there is no comment, other than the fact that it is not in conflict with the Comprehensive Plan. However the TMAPC decides to word it is fine, staff has no objections.

Mr. Leighty stated that the Comprehensive Plan did call for the City to develop a transportation strategy and that plan was approved by the City Council almost two years ago and we are just now getting to really talk about one of the most important elements of the Comprehensive Plan, which is the development of a transportation strategy that will include both transit and multi-modal streets where the two main building blocks intersect. The cost for the planning process, we do not have the capability to develop this plan in-house at the present time. A consultant will have to be hired and the amount of money that has been set aside is a generous amount for a comprehensive long-range transportation plan. If the TMAPC doesn't approve this as being something that can be put to a vote by the people, then it will slow the process down. This CIP will not be voted on until at least next spring or next fall of 2013. The funds will not be available until 2014 and the plan wouldn't be available until 2015. In the meanwhile our competing Cities are moving past us with their transportation strategies. This money is needed to get the transportation strategy moving and a new plan in place so that we can go to the public with our list of CIP projects that we would like them to support in order to get the funding.

Mr. Liotta stated that he is having a hard time seeing where the TMAPC fits into this process. Without a staff recommendation, what is it that the Planning Commission would be recommending to the City Council. Mr. Liotta asked if the TMAPC is a critical step in the path of this taking place. In response, Mr. Alberty stated that in the past all CIPs come through the Planning Commission for your review and consideration. Is it consistent with the Comprehensive Plan? Almost 100 percent of the projects that come through that relate to the Comprehensive Plan, the staff is able to make a recommendation on them. Dane has reviewed

those requests over the years and this is something that she felt very uncomfortable about recommending because it was funding for a plan and it's not that there is anything wrong with it, it is just that under traditional way of evaluating monies to be spent it is not a CIP project. If the Planning Commission would like to pass on this, then it goes onto the City Council and they will determine its merits. The ultimate decision will be made by the City Council and not this body. Any comments that the Planning Commission would have would be important and however the TMAPC decides to phrase it or originate a motion will be passed onto the City Council.

Mr. Covey stated that what he has heard is that staff has no comment and the Planning Commission is stating that they reviewed it and find in conformance and yet he didn't hear anything that stated that it does conform. Mr. Covey further stated that what he heard was this was for informational purposes only and staff has no comment.

Ms. Matthews stated that staff has no comment because these issues are not specifically addressed in the plan. The strategic mobility plan: yes staff is supportive of that, but it is a plan to do a plan. Once they have a plan and it has specific improvements, staff will be more than happy to review those improvements.

Mr. Covey asked if the Planning Commission usually approves plans to do a plan. If the TMAPC votes negatively that shouldn't kill it if it is a plan to do a plan.

Mr. Leighty stated that the last time there was CIP requests in front of the Planning Commission there was over five hundred million dollars worth of things on the list and he argued to try and get this Planning Commission to give an extension or continuance for two weeks to think about and look at it before the PC just rubber stamped it. There wasn't a single member willing to do that. Mr. Leighty further stated that he pointed out that the entire process is a pretty subjective evaluation and he would propose to Mr. Covey that if we are just going to go with the staff recommendation or lack thereof every time, then we don't need to be sitting up here and just let staff decide. We are really here to try and evaluate things and if there is a staff recommendation, then we should take that into consideration, but the PC doesn't always vote with the staff recommendation. This is pretty important stuff and he believes it is a stretch to call this a CIP project, but if it leads to the list that is actually produced to come up with a project there has to be a plan. Right now the reason this is on here is because there is no operational money in the budget to pay for this plan and this is the only way to get that funding at the present time. Mr. Leighty commented that if the Planning Commission doesn't believe that this will work, then the City Council can always reverse the Planning Commission's decision.

Mr. Leighty reiterated that his motion is to approve this CIP finding it in conformance with the Comprehensive Plan.

Mr. Dix asked Mr. Alberty if it would be appropriate for the PC to vote to receive staff's recommendation and pass it along. Mr. Alberty stated that the PC can do anything.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-1-1** (Carnes, Covey, Dix, Edwards, Leighty, Shivel, Stirling, Walker "aye"; Perkins "nay"; Liotta "abstaining"; Midget "absent") to recommend **APPROVAL** of the FY 13-17 CIP finding it in conformance to the Comprehensive Plan.

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15. Charles L. Hardt Operations and Maintenance and Engineering Center – (6013) (CD 1) Preliminary Plat, Location: Southeast of intersection of North Harvard Avenue and Mohawk Boulevard

STAFF RECOMMENDATION:

Mrs. Fernandez stated that there is a request for a continuance to May 2, 2012.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the Preliminary Plat for Charles L. Hardt Operations and Maintenance and Engineering Center to May 2, 2012.

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16. Third and Greenwood Addition – (1912) (CD 4) Preliminary Plat, Location: East of Greenwood Avenue, north of East 3rd Street

STAFF RECOMMENDATION:

This plat consists of ten lots, two blocks, on 3.1 acres.

The following issues were discussed April 5, 2012, at the Technical Advisory Committee (TAC) meetings:

- 1. Zoning:** The property is zoned CBD (central business district).

2. **Streets:** Provide reference for right-of-way along all streets with plat number of book and page number. Provide 28-foot radius or equivalent clip at the intersection of Greenwood Avenue and 2nd Street and Greenwood Avenue and 3rd Street. Minimum width for two-way mutual access easement on 3rd Street should be 24 feet. If it is intended to be one way then that should be made clear in the covenants. Show five-foot sidewalks along all streets, offset 18 inches from property line. Will need to discuss Greenwood on-street parking with traffic engineering. Back-in parking should be used, as this is a designated on-street bike route. This will also require restriping of all lanes on Greenwood between 2nd and 3rd. This can be resolved during reviews of IDP (infrastructure development plan) plans.
3. **Sewer:** The proposed utility easement within Lot 10 must extend all the way across the lot to the south boundary of the plat and must be a minimum of 17.5-foot wide. The proposed 12-foot utility easement along the north side of Lot 1 (within Lot 9) must be a minimum of 12.5 feet wide, if the easement within Lot 1 is to be five feet wide. When the City of Tulsa vacates rights-of-way it is customary to retain the area as a utility easement. Was that done in this case? If so, has that easement also been vacated through a separate ordinance? In Section 1-C-5, it appears that the reference to paragraph D is incorrect. Section 1-H restricts use of a sanitary sewer easement; however, I did not find one on the plat. If one is not within the plat, then we do not need it in the covenants. The proposed alignment of the proposed sanitary sewer line adjacent to Lot 1 is not acceptable. The line must be moved to allow a minimum of four feet between the edge of the easement and the centerline of the pipe. Extend the sanitary sewer easement all the way down instead of general easement.
4. **Water:** Add standard covenant language including water. A looped water main extension along the east side of Greenwood Avenue could be a requirement.
5. **Storm Drainage:** It appears that rights-of-way for railroad spurs cross this site. Have they been vacated by ordinance? If not then they must be, and the rights-of-way along with the filed vacation number and ordinance number must be placed on the face of plat. Block 1, Lot 1 has errantly been shown a Lot 9. There cannot be a Lot 10, because they must be placed in Reserve A. Add a subsection to state the dedicated uses of Reserve A and who has the responsibility to maintain that reserve. Do not leave a blank space in Section 1.B.1.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** AT&T needs a 17.5-foot utility easement along 2nd Street. Additional easements may be needed.

7. **Other: Fire:** If additional apartments are built additional requirements may be needed.

GIS: Label all subdivisions within the mile section of the location map. Include a north arrow for the location map. Submit a subdivision control data form (appendix D).

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works staff and Development Services 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.

Applicant's Comments:

Jim Beach, Wallace Engineering, 200 East Brady, 74103, stated that the park that is indicated on Lot 10 is a private park and is not a public dedication. There is notation in the staff recommendation that the minimum width for a mutual access easement should be 24 feet. Mr. Beach indicated that he received clarification today that her intent was not for the entire thing to be 24 feet, but for only the points connecting to the street. Mr. Beach stated that his client would prefer that it not be a requirement because there is no practical reason to make it a requirement and to impose it on his client would cut into the adjacent lots to that mutual access easement. The drive is a private drive for the development and it connects in two places onto 3rd Street. The private drive runs along the back of the development to feed the backsides of the individual lots. Mr. Beach stated that 22 feet will suffice as a practical matter and the eight residential lots will be served by the drive. He commented that the 24 feet is a commercial standard that doesn't apply here because it is residential.

TMAPC COMMENTS:

Mr. Walker asked Mrs. Fernandez if the TMAPC needs to alter the approval or make that noted.

Mrs. Fernandez stated that when Mr. Beach states "she" he means Nahid Eagan, Engineer 3, Development Services for the City of Tulsa. Mrs. Fernandez further stated that she had no knowledge of this and she can't recommend approval of it. If the Planning Commission would like to word it as "24 feet be modified to 22 feet per Development Services and the Traffic Engineer". Mrs. Fernandez commented that to her knowledge normally it is 24 feet to 26 feet and 22 feet sounds small to her. She stated that staff would be happy to work with Mr. Beach and the development, but she needs expertise from Traffic Engineering on this issue.

Mr. Walker asked if there should be a continuance to get this changed. In response, Mrs. Fernandez stated that she didn't think so since it is a preliminary plat and if there is any further discussion about this issue and it is impossible to work it out it would return to the TMAPC.

Mr. Dix asked why there needs to be a mutual access easement. In response, Mr. Beach stated that each lot is a townhouse lot and they are individually owned. The mutual access easement serves the garages that load from the rear.

Mr. Walker recognized Mr. Patrick Fox.

Pat Fox, Fox Architect, 123 East 21st Street, 74114, stated that he is also a member of Urban Eight, which is the development group on the eight lots. He stated that he is asking for a 22-foot mutual access easement, which is a fairly normal access drive for individual single-family residential houses. It is his understanding that the person in Traffic asked that the gore be 24 feet. He commented that he has developed a number of projects where 22 feet for the mutual access is more than adequate and he is requesting that 22 feet. He would also like to speak to staff's comments regarding Lot 9 requiring the 17.5-foot utility easement for AT&T. Mr. Fox explained that he has had conversations with the developer of that lot and it is not an acceptable option for them. In the Technical Advisory Committee (TAC) meeting the representative of AT&T indicated that they didn't think they would need it at this point. This type of request for utility easement is something one sees many times in suburban development. The discussion at the TAC meeting was that this is in downtown, where it is fully urbanized development where access for those franchise utilities are already in place. This would encumber the potential development of that particular lot. This is a driveway that serves individual houses.

Mr. Dix asked why 22 feet is not the normal width for the mutual access easement? Mrs. Fernandez stated that she would like the City to look over the fact that it would be a 22-foot mutual access easement. Mrs. Fernandez further stated that the mutual access easement, in her perspective, needs to be approved by the Traffic Engineer and the Development Services representative, Nahid Eagan. Mrs. Fernandez indicated that she doesn't know if the 22 feet will be a problem, but if it is a problem that can't be worked out, then it would be brought back before the TMAPC. Mrs. Fernandez stated that it appears that Mr. Beach has discussed this with Ms. Eagan regarding the 22 feet versus 24 feet prior to this meeting. Mrs. Fernandez further stated that staff prides themselves on working these things through and if they agree that a 22-foot mutual access easement with a 24-foot access is ok, then we will go forward and they will release the plat.

Mr. Dix asked if the eight lots are currently individually owned. Mr. Fox stated that they will be sold individually. Mr. Fox indicated that they are under one ownership at this time.

Mr. Fox stated that the mutual access easement is not needed by the Fire Department for fire protection. Had it been a fire lane, he would be in agreement that it should be 24 feet. The Assistant Fire Marshal indicated that the subject project could be totally worked from 3rd Street and there was no need for the access.

Mr. Edwards asked where this is in print where the TMAPC would have something to read rather than getting it verbally. No answer.

Mr. Walker asked Mrs. Fernandez if she would like the preliminary plat approved subject to TAC. Mrs. Fernandez answered affirmatively.

Mrs. Fernandez stated that she would like to address the 17.5-foot utility easement on Lot 9. On many of the plats outside of the downtown area, the perimeter easement is required and necessary for the utilities to work in the area. Downtown, as Mr. Fox stated, there may be only one utility that may need an easement and she doesn't have a problem going back to AT&T and asking them if they are still concerned about this 17.5-foot. It is not a requirement, but what they have requested. Mrs. Fernandez reiterated that if there are problems with this issue she will bring it back to the TMAPC.

Mr. Edwards asked Mrs. Fernandez if she is okay with what Mr. Fox and Mr. Beach are proposing. Mrs. Fernandez stated that she wants to make sure that the TAC representatives are happy with the utility easement and also that the Traffic Engineer and the Development Services Transportation representative are happy and that they both agree.

Mr. Liotta asked if this is a one-lane, one-way drive that is also a utility easement. Mr. Fox stated that there is a utility easement that is partially within that, but the utility easement actually extends beyond the mutual access easement. It is a 22-foot, two moving lanes in both directions that are 11 feet, private drive, which allows access and there is adequate turning movement into the garages and room for cars to park outside the garage doors and not interfere in the mutual access easement. The covenants will reflect the fact that no cars can be parked within that driveway for overflow parking.

In response to Mr. Dix, Mr. Fox stated that the trash collection is still being discussed. The trash may be picked up individually in front or a common dumpster on the far east side of the subject property. There will not be trash trucks using the mutual access easement.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Third and Greenwood Addition per staff recommendation, subject to TAC approval and Traffic Engineering approval for the mutual access easement and the utility easement.

* * * * *

17. **Life Church Jenks –** Minor Subdivision Plat, Location: Southeast corner of West 81st Street and South Maybelle Avenue (4812) (CD 2)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 8.5 acres.

The following issues were discussed April 5, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural) and Board of Adjustment # 21404 to allow the church.
2. **Streets:** Show right-of-way along Maybelle with dimension lines and provide reference such as plat number or book and page number. There appears to be conflict between what is shown on the face of the proposed plat and our records as to the existing right-of-way along Maybelle Avenue. Provide 30-foot radius or equivalent clip at the intersection of Maybelle and 81st. Show five-foot wide sidewalks with access ramps along 81st Street and Maybelle Avenue. Sidewalks must be located 18 inches from the property line. Need clarification of property and right-of-way lines.
3. **Sewer:** In the easements table, omit the words "to be released" Section 1-1 refers to a sanitary sewer easement, yet there is no sanitary sewer easement shown on the face of the plat. The previous owner granted a sanitary sewer easement in the vicinity of the sewer main shown on the conceptual plat. If so, then you need to show the existing easement. The sanitary sewer line shown along West 81st Street must be accepted by the City and in service before any service line connections can be made to serve the church buildings.
4. **Water:** The proposed fire hydrant can be installed under the IDP (infrastructure) or WSD (water shed development) permits. Permits to install water services connections are required.

5. **Storm Drainage:** How does the proposed detention not adversely affect upstream property? Add the regulatory floodplain to the Flood Plain Designation note. Words such as "Tulsa 100 Year Regulatory Floodplain is present on the property and is contained in the easement shown." The 8x4 RCB must be placed in a storm sewer easement. Remove the existing floodplain and replace it with the proposed "Hager Creek Tulsa Regulatory Floodplain", labeled as such. The remaining floodplain, which lies outside of the compensatory storage, detention and storm sewer easements, must be placed in an overland drainage easement. Show and label all easement boundaries and width, distances and bearings. The 3-11-2011 City of Tulsa covenant language must be used for Section 1C and H, and must be added for "Compensatory Storage Easements" and "Overland Drainage Easements".

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:**

7. **Other: Fire:** Possible hydrant needed along 81st Street.

GIS: Use correct scale for location map. Submit subdivision control data sheet.

Staff recommends **APPROVAL** of a **Preliminary Plat** with the TAC recommendations and the special and standard conditions listed below. There are too many major issues to be corrected with this plat to consider it a minor subdivision plat.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

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

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

Mrs. Fernandez stated that this item had enough issues that it is now a preliminary plat and no longer a minor subdivision plat. The airport did state that since the proposed development is within the traffic pattern zone of Jones Riverside Airport, they are requesting aviation language be attached to the plat. In addition to the easement the airport is requesting an obstruction evaluation (air study) to be conducted as well.

TMAPC COMMENTS:

Mr. Walker stated that he had heard that there is a cloud in the title for a strip on Maybelle Avenue. He asked staff if that had come up in the TAC meetings. In response, Mrs. Fernandez stated that there is a jog in the property on Maybelle Avenue that needs to be clarified in her opinion. It appears to be a small strip between the subject property and the Hyde Park property that isn't being improved.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Life Church Jenks per staff recommendation.

* * * * *

18. **PUD-634 A, Lot 1, Block 1, Ledco Addition-** Plat Waiver, Location:
1002 South Lynn Lane (CD 6) (Related to Item 19)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major PUD amendment.

Staff provides the following information from TAC for their April 5, 2012 meeting:

ZONING:

TMAPC Staff: The property has been platted previously.

STREETS:

Sidewalks must be provided in accordance with Subdivision regulations.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **Approval** of the plat waiver for the property.

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.	X	
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.?		X
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

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

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the plat waiver for PUD-634-A, Lot 1, Block 1, Ledco Addition per staff recommendation.

* * * * *

20. **PUD 792** - Plat Waiver, Location: Southeast corner of West Edison Street and North 27th West Avenue (CD 4) (Related to Item 21)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a PUD amendment.

Staff provides the following information from TAC at their April 5, 2012 meeting:

ZONING:

TMAPC Staff: A lot combination has been approved on the property.

STREETS:

Ten feet of right-of-way must be dedicated along West Edison Street at this time. A twenty five foot corner radius or equivalent clip is required at the intersection of West Edison and 27th West Avenue and West Easton Court and 27th West Avenue. Sidewalks must be constructed in accordance with subdivision regulations and must be included in the development standards.

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

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the plat waiver for PUD-792 per staff recommendation.

- 19. **PUD-634-A – Kenny Green/A Best Air & Heat, Inc.**, Location: North of the northwest corner of East 11th Street and South 177th East Avenue, Requesting a **Major Amendment** to add Heating Contractor only within Use Unit 15 – Other Trades and Services as a permitted use and eliminate the “building, maintenance and storage of race cars and their transportation vehicles, of the owner of the property” as a permitted use., **AG/OL/CS/PUD-634 to AG/OL/CS/PUD-634-A**, (CD-6) (Related to Item 18)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 19917 dated September 7, 2000, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6751/ PUD- 634 September 2000: All concurred in approval of a request for rezoning a 2.5± acre tract of land from AG to AG/OL/CS and a proposed Planned Unit Development for office use and storage of the race cars and their transportation vehicles of the owner of the property with conditions by the City Council, on property located north of northwest corner of East 11th Street and South Lynn Lane and is the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.1± acres in size and is located north of northwest corner of East 11th Street South and South 177th East Avenue. The property is developed with one 7,000 square foot (SF) building and is zoned AG/ OL/CS/ PUD-634.

SURROUNDING AREA: The subject tract is abutted on the east by 177th Avenue East and then unplatted property zoned AG/OL/CS and being used residentially; on the north by House of Prayer, zoned AG and being used as a church; on the south by vacant, unplatted land, zoned AG; and on the west by unplatted land, zoned AG and being used residentially.

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

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan does not designate 177th Avenue East and designates 11th Street as a Multi-modal Corridor.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

TULSA METROPOLITAN AREA MAJOR STREET AND HIGHWAY PLAN

The Tulsa Metropolitan Area Major Street and Highway Plan designates 177th Avenue East as a Secondary Arterial and 11th Street as a Multi-modal Secondary Arterial.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 177th East Avenue	Secondary Arterial	100'	2
East 11th Street South*	Multi-modal Secondary Arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an “Area of Growth” with a land use designation of “Mixed-Use Corridor”.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

STAFF RECOMMENDATION:

The purposed of PUD Major Amendment PUD-634-A is to add Heating Contractor only within Use Unit 15 – Other Trades and Services as a permitted use and eliminate the “building, maintenance and storage of the race cars and

their transportation vehicles, of the owner of the property” as a permitted use. This is a “Use Amendment” only and does not propose the expansion of any existing facilities or the addition of new facilities.

PUD-634 was approved in 2000 with strict restrictions placed on the property with respect to its land use. Two land uses were approved allowing only the owner of the property to construct one 7,000 square foot building. The owner was permitted to keep a small office within the building and utilize a majority of the floor area for “building, maintenance and storage of race cars and their transportation vehicles of the owner of the property”. Staff has learned that it was frequent practice for the owner to use 177th East Avenue as a test strip for race cars.

Staff first met with the then-owner of the property, Mr. Wallace Ledford in 2007. Over the course of two or three years staff periodically met with Mr. Ledford with respect to the options Mr. Ledford had for the sale of the property. As the result of private financial matters, Mr. Ledford found it necessary to sell the property. Mr. Ledford was advised that with the very strict restrictions placed on the property with respect to land use, either the existing PUD would need to be amended to permit a wider range of uses or he would need to find a purchaser who could use it as the PUD allows. Sometime in 2010 staff had no more contact with Mr. Ledford and learned that the property had been seized by Mr. Ledford’s lender.

Staff understands that this property has been vacant for a minimum of five years. Over the course of this time dozens of inquiries have been made about the purchase of the property and what would need to be done to change the permitted use of the property including rezoning to capture more floor area, PUD Major Amendments and plat waivers. For a considerable amount of time it appeared as if this property would remain vacant with a virtually new building on a very nice piece of property.

The proposal for the property is to turn it into a call center only for an air conditioning and heating business. Repair calls would be received on premises and employees dispatched to the calls either remotely or from the center. The applicant proposes there will be no repair of equipment on-site. The building on the property would be used for an office and storage of equipment and parts for the business only. There would be no outside storage of any equipment or parts aside from the daily parking of the owner’s and employee personal vehicles and the parking of repair vehicles at the end of each day. The property perimeter is completely screened by a six- to eight-foot vinyl screening fence. Hours of operation are proposed for 7:00 AM to 10 PM, Monday through Saturday.

Staff views the proposed change in use as a decrease in intensity and contends this is a good reuse of this property. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code.

Staff finds PUD-634-A to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-634-A subject to the following conditions as amended by the TMAPC (items with strikethrough have been removed, underlined items added in):

1. All terms and conditions of the original approval of PUD-634 shall remain effective, unless modified herein.
2. Development Standards:
Remove from the permitted uses of the PUD, “building, maintenance and storage of race cars and their transportation vehicles of the owner of the property”.

Add to the permitted Office use, “Heating Contractor only within Use Unit 15 – Other Trades and Services” and uses considered customarily accessory to principal permitted uses.

Other Standards:

There shall be no outside storage of recyclable material, trash, equipment or parts associated with the business, or similar material outside a screened receptacle. Delivery trucks or truck trailers may not be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

There shall be no outdoor repair or service to equipment, parts or vehicles. All on-site repair or maintenance shall be conducted entirely within the building.

Hours of operation shall be Monday through Saturday, 7:00 AM to 10:00 PM.

Site Lighting:

All site lighting shall be directed down and away from the perimeter of the property in such a fashion that the light producing element and/or reflector shall not be visible to a person standing at ground level at the perimeter of the property.

Signs:

~~One non-illuminated wall sign shall be permitted on the east elevation only not to exceed two SF of display area per lineal foot of building wall to which the sign is affixed. Wall signs shall not exceed 2 SF of display area per lineal foot of building wall to which the sign is affixed. There shall be no wall sign places on any west facing building wall.~~

~~Ground signs shall be limited to one sign not to exceed 10 feet in height with 64 square feet if display area. The sign shall be placed within 100 feet of the south boundary of the property. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.~~

Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

TAC Comments:

General: No comments.

Water: Permitted water services will be taken from existing 12-inch water main on the east side of Lynn Lane.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: Sidewalks must be provided in accordance with Subdivision regulations.

INCOG Transportation:

- **MSHP:** South Lynn Lane Road is a designated secondary arterial.
- **LRTP:** South Lynn Lane, between 11th Street South and Admiral Place, existing two lanes. Per subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments
- **Transit:** No comments.
- **Fast Forward Regional Transit Plan:** No comments.

Traffic: No comments.

GIS: No comments.

Street Addressing: The main address for this site is: 1002 South Lynn Land Road East. There are no other addresses shown on the Addressing Atlas (page # 01871). Addresses 'may' have to be generated for this project once building plans are submitted based on building frontages.

Inspection Services: No comments.

County Engineer: No comments.

APPLICANT'S COMMENTS:

Kenny Green, 13737 East 11th Street, 74108, owner of A-Best Air & Heat, stated that he would like to use the subject property for a call center only. His technicians go to the site for repairs.

TMAPC COMMENTS:

Mr. Liotta asked Mr. Green if he was aware of the conditions and agreeable to the conditions that staff has recommended. In response, Mr. Green answered affirmatively.

INTERESTED PARTIES COMMENTS:

Bruce Denny, 905 South Lynn Lane Road, 74108, expressed concerns about the subject property because it is directly across the road from his home. He indicated that in the past he has had trouble with the past owner and realizes that this is a new owner; however, he asked about the following issues: security lighting that currently shines into his home; signage, vehicles parked outside, privacy fence and will the applicant live on the site.

Mr. Liotta read the staff recommendation and conditions to Mr. Denny, which addressed some of his concerns.

Mr. Edwards out at 2:34 p.m.

Mr. Sansone stated that the Code addresses the lighting and it will have to be tilted down. The applicant has agreed to remove the ground sign and the ability to have a ground sign. The applicant would like to have a single wall sign on the east-facing building wall so that the business can be identified. There are no flashing signs or changeable copy signs allowed. The screening fence shall remain and is required. The only vehicles that can be parked on the subject property are vehicles associated with the repair businesses (work trucks) and no RV or vehicle storage will be allowed. The parking requirements are per Code and he is expected to provide enough parking for 7,000 SF of Use Unit 15 and he meets that requirement. There will be no onsite residential living. Any changes to this particular proposal would require the applicant to come back to the TMAPC in the form of a minor or major amendment.

Mr. Walker recognized Mr. Denny.

Mr. Denny thanked the TMAPC and the applicant for the spirit of cooperation. He commented that he is not present today to be a stumbling block. The previous owner left a bad taste in the neighbor's mouth and he just wanted to make sure that this was addressed with the new owner. Mr. Denny explained that in the past the previous owner wouldn't listened to the neighbors, but he has met the new owners and feel that there is a spirit of cooperation.

Mr. Dix asked if the subject property would be a call center and a staging center for his employees who will go out in the field to work. In response, Mr. Green answered affirmatively. He explained that his technicians go onsite to work. Mr. Dix asked how many people would be working at the call center. Mr. Green stated that there would be three to four people. Mr. Green indicated that the subject operation will be quiet and peaceful for the neighborhood.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget "absent") to recommend **APPROVAL** of the major amendment for PUD-634-A per staff recommendation and as amended per TMAPC. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-634-A:

Lot 1, Block 1, LEDCO Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

Mr. Edwards in at 2:40 p.m.

- 21. **PUD-792 – Tulsa Engineering & Planning/Tim Terral/Okapi Center**, Location: Southeast corner of West Edison Street and North 27th West Avenue, Requesting **PUD** to construct a 42-foot tall, two-story mixed use building with a 6,750 square foot community center on the ground floor and 1,650 square feet of office space on the second floor, **CS to CS/PUD**, (CD-4) (Related to Item 20)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22479 dated August 19, 2011, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7180 October 2011: All concurred in approval of a request for rezoning a 12,500± square foot tract of land from RS-3 to PK for parking on property located East of southeast corner of West Easton Court and North 27th West Avenue abutting south across West Easton Court from subject property.

Z-7170 August 2011: All concurred in approval of a request for rezoning a .79± acre tract of land from OM to CS on property located on the southeast corner of West Edison Avenue and North 27th West Avenue; also known as the subject property.

Z-6940 May 2004: All concurred in approval of a request for rezoning a .78± acre tract of land from RS-3 to OM for and office building, on property located on the southeast corner of West Edison Avenue and North 27th West Avenue; also known as the subject property.

AREA DESCRIPTION:

The subject property is approximately .79± acres in size and is located at the southeast corner of West Edison Street & North 27th West Avenue. The property is vacant and zoned CS. A new concrete drainage channel extends from north to south on the west side of the property. There are no curbs and gutters abutting this site and drainage is either through the drainage channel or through borrow ditches.

SURROUNDING AREA: The subject tract is abutted on the east by unplatted property, zoned OL and being used as a medical office; on the north by Edison Street and then Skyline Ridge 5th, a single-family subdivision (Osage County); on the south by Easton Heights Second, a single-family subdivision zoned RS-3/PK; and on the west by Edison Heights, zoned CS and being use as a martial arts studio.

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

TRANSPORTATION VISION:

The Comprehensive Plan does not designate West Edison Street, North 27th West Avenue or Easton Street.

Edison Street functions as the main east/west roadway in this area, south of Pine Street and north of Highway 412.

TULSA METROPOLITAN AREA MAJOR STREET AND HIGHWAY PLAN:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West Edison Street	Secondary Arterial	50'	4
North 27th West Avenue	Residential Collector	50'	2
West Easton Street	Residential Collector	50' (west of 27th); 60' (east of 27th)	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an “Area of Growth” with a land use designation of “Main Street”.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

STAFF RECOMMENDATION:

The purpose of PUD-792 is to allow the construction of a 42-foot tall, two-story mixed use building with a 6,750 square foot (SF) community center on the ground floor and 1,650 SF of office space on the second floor. In keeping with the goals and objectives of the Tulsa Comprehensive Plan and the property land use designation as a Main Street, the building is proposed for location along the (ultimate) street right-of-way (ROW) with parking provided next to and behind the building. Automobile access to the site would be provided from one point along North 27th Avenue West and one point along West Easton Street (see Exhibit A).

The site is vacant, relatively flat with three abutting streets as described above in the section “Tulsa Metropolitan Area Major Street and Highway Plan”. The site has a high point of elevation of 699-feet at the southeast corner of the site gradually sloping to a low point in elevation of 690-feet at the northwest corner of

Parking Ratio: 1 space/215 SF

Landscape Open Space: 7,585 SF (22.0%)

Permitted Uses:

Uses permitted by right in Use Unit 5 - Community Services and similar uses and Use unit 11 – Office, Studios and Support Services and customary accessory uses to permitted principal uses.

Minimum Building Setbacks:

From West Edison Street Right-of-Way	10 feet*
From North 27th West Avenue Right-of-Way	25 feet
From West Easton Court Right-of-Way	25 feet

Maximum Building Height: 42 feet**

* *The Minimum Building Setback from the West Edison Street Right-of-Way will ultimately be 0 feet. This will occur at a future date when the additional 10 feet of West Edison Street Right-of-Way is dedicated.*

** *Architectural decorative features such as chimneys, towers and cupolas, may extend to a maximum height of 52 feet. However, no habitable portion the building may exceed 42 feet.*

Pedestrian Access and Circulation:

Sidewalks will be constructed along the three abutting streets as required by subdivision regulations. Direct pedestrian connection from the 27th Avenue West and West Edison Street sidewalks to building entries shall be provided. If the direct connection from the street sidewalk to building entries should cross vehicular access lanes, the pedestrian way shall be clearly distinguished by the use of high-contrast striping.

Landscaping and Screening:

Okapi Center will feature a significant amount of landscaped open space on the project site. The amount of landscaped open space will be a minimum of 7,585 SF, or 22%, of the project area.

Should it be necessary, Landscape Alternative Compliance shall be permitted with this approval allowing the required street yard trees along the West Edison Street frontage to be planted within the City of Tulsa right-of-way, as recommended by the Tulsa Comprehensive Plan. A license agreement with the City of Tulsa would be required.

There are three large existing trees on site - a 34" oak located in the northwest corner of the site, a 24" hackberry and 14" Elm located in the northeastern portion of the site. These trees are to remain and have been integrated into the site plan with the proposed building and parking areas being located so as to respect the root system of these trees

A 6-foot masonry and wood screening fence will be located along the west and south boundaries of the site, with a 6-foot ornamental metal fence located on the northeastern portion of the property, running from the east boundary line of the site to the east wall of the proposed community center/office building.

Signs: Per the Office chapter of the Tulsa Zoning Code.

3. No zoning clearance permit shall be issued until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for the development shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening will be installed by a specific date in accordance with the approved landscape plan, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. 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 or existing stormwater drainage structures and detention areas serving the development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

8. No building permit shall be issued until the platting requirements of Section 1107.F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
11. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: No comments.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: 10' ROW must be dedicated along W Edison Street at this time and not in the future. 25' corner radius or equivalent clip is required at the intersection of W Edison and 27th W Ave and W Easton Ct and 27th W Ave. Sidewalks must be constructed in accordance with subdivision regulations and must be included in the Development Standards.

INCOG Transportation:

- **MSHP:** W. Edison Street is a designated secondary arterial.
- **LRTP:** Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates services at this location. According to MTTA future plans this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development.
- **Fast Forward Regional Transit Plan:** No comments.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

Applicant's Comments:

Tim Terral, Tulsa Engineering and Planning Associates, 6737 South 85th East Avenue, 74133, stated that he is in agreement with staff's recommendation. He indicated that he is in the process of preparing the documents for the deed-of-dedication. There are three large mature trees that his client is trying to preserve and it did drive the site plan regarding the location of the building and parking.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of PUD-792 per staff recommendation.

Legal Description for PUD-792:

Lots 1-4, Block 1, Easton Heights 2nd Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

OTHER BUSINESS:

22. **Z-6304-SP-1a – Roy Johnsen**, Request for refund; staff overcharged applicant.

STAFF RECOMMENDATION:

Mr. Sansone stated that staff overcharged the client for his minor amendment and recommends refunding \$162.00 to the applicant.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the refund of \$162.00 per staff recommendation.

* * * * *

Z-7198 – Kirk and Carol Gammel, Request for refund, applicant withdrew the application.

STAFF RECOMMENDATION:

Ms. Matthews indicated that the applicant withdrew this application before staff did any work on it. Staff recommends a complete refund of \$1,129.00 to the applicant.

TMAPC Action; 10 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the refund of \$1,129.00 per staff recommendation.

Commissioners' Comments

None.

TMAPC Action; 10 members present:

On **MOTION** of **LIOTTA**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **ADJOURN** TMAPC meeting No. 2624.

There being no further business, the Chair declared the meeting adjourned at 2:48 p.m.

Date Approved:

5-2-2012

Joshua L. Wick

Chairman

ATTEST:

[Signature]
Secretary