TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2837

March 3, 2021, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

The meeting will be held in the Tulsa City Council Chamber and by videoconferencing and teleconferencing via GoToMeeting, an online meeting and web conferencing tool.

Commissioners and members of the public may attend the meeting in the Tulsa City Council Chamber, but are encouraged to attend and participate in the TMAPC meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

https://www.gotomeet.me/CityOfTulsa3/tmapc_march_3rd_2021

Commissioners and members of the public can also dial in using their phone by dialing:

United States: +1 (786) 535-3211

Participants must then enter the following Access Code: 617-154-757

The following Commissioners plan to attend remotely via GoToMeeting, provided that they may still be permitted to appear and attend at the meeting site, the Tulsa City Council Chambers, Second Floor of City Hall, at One Technology Center, 175 East Second Street, Tulsa Oklahoma: Chair Covey, Commissioner Adams, Commissioner Blair, Commissioner Craddock, Commissioner Kimbrel, Commissioner McArtor, Commissioner Reeds, Commissioner Shivel, Commissioner Van Cleave, Commissioner Walker, Commissioner Whitlock

If you wish to present or share any documents, written comments, or exhibits during the hearing, please submit them by 9:00 am the day of the hearing. Remember to reference the case number and include your name and address.

Email: esubmit@incog.org
Mail: INCOG
2 W 2nd Street
Tulsa, OK 74103
CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman’s Report:

Work session Report: A work session will be held via Zoom at 10:00 am on March 17, 2021 to discuss proposed Missing Middle Overlay, amendment to the County Comprehensive Plan and GO Plan amendments. Staff will also provide an update on the Destination Districts and Vibrant Neighborhoods Partnership Programs.

Director’s Report:

1. Minutes of February 3, 2021 Meeting No. 2835

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.

2. PUD-803-8 Nick Puma (CD 8) Location: South and west of the southwest corner of East 121st Street South and South Hudson Avenue requesting a PUD Minor Amendment to reduce required setback for a street facing garage.

PUBLIC HEARINGS

3. Z-7600 David Box (CD 5) Location: East of the northeast corner of East 31st Street South and South Memorial Drive requesting rezoning from RS-2 and PK to CS with optional development plan (withdrawn by applicant)

4. Z-7598 Gregg Iser (CD 6) Location: West of the northwest corner of East 21st Street South and South Houston Avenue requesting rezoning from CS to CG with optional development plan (Staff requests a continuance to March 17, 2021)

5. Z-7599 AAB Engineering LLC, Alan Betchan (CD 6) Location: West of the northwest corner of East 41st Street South and South 145th East Avenue requesting rezoning from AG to RS-4
6. **Addison Creek Blocks 10-15** (CD 8) Preliminary Plat and Modification of the Subdivision & Development Regulations to extend allowable block length for Block 15, Location: West of South Sheridan Road at East 126th Place South

**OTHER BUSINESS**

7. Commissioners' Comments

**ADJOURN**

CD = Council District

**NOTE:** If you require special accommodation pursuant to the Americans with Disabilities Act, please notify the Tulsa Planning Office at 918-584-7526. Exhibits, petitions, pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained Tulsa Planning Office at INCOG. All electronic devices must be silenced during the Planning Commission meeting.

Visit our website at [tulsaplanning.org](http://tulsaplanning.org)  
email address: esubmit@incoq.org

**TMAPC Mission Statement:** The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region’s current and future residents.
**Case Number:** PUD-803-8
**Minor Amendment**

**Hearing Date:** March 3, 2021

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**Case Report Prepared by:**
Jay Hoyt

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**Owner and Applicant Information:**
**Applicant:** Nick Puma
**Property Owner:** Labella Homes

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**Location Map:**
(Shown with City Council Districts)

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**Applicant Proposal:**
**Concept summary:** PUD minor amendment to reduce the required setback for a street facing garage.

**Gross Land Area:** 0.2 Acres

**Location:** South and West of the SW/c E 121st St S and South Hudson Ave
5406 E 125th Pl S
Lot 1, Block 14 Estates At The River III

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**Zoning:**
**Existing Zoning:** RS-3/PUD-803
**Proposed Zoning:** No Change

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**Comprehensive Plan:**
**Land Use Map:** New Neighborhood Growth
**Stability Map:** Growth

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**Staff Recommendation:**
Staff recommends approval.

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**Staff Data:**
**TRS:** 7303

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**City Council District:** 8
**Councilor Name:** Phil Lakin

**County Commission District:** 3
**Commissioner Name:** Ron Peters
SECTION I: PUD-803-8 Minor Amendment

Amendment Request: Revise the PUD Development Standards to reduce the required setback for a street facing garage from 20 ft to 15 ft.

The current requirement for street facing garages is to be setback 20 ft. The setback line for the remainder of the building along the street facing side is 15 ft. The request would allow the proposed garage to utilize the same setback as the rest of the home and keep the garage even with the structure.

Staff Comment: This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.

"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered."

Staff has reviewed the request and determined:

1) PUD-803-8 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-803.

2) All remaining development standards defined in PUD-803 and subsequent amendments shall remain in effect.

Exhibits included with staff report:
INCOG zoning case map
INCOG aerial photo
INCOG aerial photo (enlarged)
Applicant Site Plan

With considerations listed above, staff recommends approval of the minor amendment to reduce the required setback for a street facing garage from 20 ft to 15 ft.
Thanks Erika,

As requested in other correspondence and with this email we will remove this from consideration. Any further action will be considered as a new application.

Respectfully,

Dwayne Wilkerson, ASLA, PLA
Principal Planner | Current Planning
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9475
dwilkerson@incog.org

From: Erika Silberg <esilberg@wbfblaw.com>
Sent: Wednesday, February 24, 2021 1:30 PM
To: Wilkerson, Dwayne <DWilkerson@incog.org>; David M. Box <Dmbox@wbfblaw.com>
Subject: Z-7600 withdrawal

Good afternoon, we request Z-7600 be withdrawn for consideration. Thank you,

Erika Silberg
Legal Assistant to David M. Box
Williams, Box, Forshee & Bullard
522 Colcord Drive
Oklahoma City, OK 73102
405-232-0080 Main
405-516-6933 Direct

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This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.
Good morning Kim,

Please forward this email as my staff request for a continuance to the March 17th Planning Commission Meeting. We are still working on the development plan and neighborhood engagement process.

Thanks

Dwayne Wilkerson, ASLA, PLA
Principal Planner | Current Planning
Tulsa Planning Office
2 W. 2nd St., 8th Floor | Tulsa, OK 74103
918.579.9475
dwilkerson@incog.org
<table>
<thead>
<tr>
<th><strong>Case Number:</strong> Z-7599</th>
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<td><strong>Hearing Date:</strong> March 3, 2021</td>
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<th><strong>Case Report Prepared by:</strong></th>
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<tr>
<td>Dwayne Wilkerson</td>
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<th><strong>Owner and Applicant Information:</strong></th>
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<tr>
<td><strong>Applicant:</strong> AAB Engineering, LLC-Alan Betchan</td>
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<td><strong>Property Owner:</strong> Robert Patterson</td>
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<th><strong>Applicant Proposal:</strong></th>
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<tr>
<td><strong>Present Use:</strong> Vacant</td>
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<td><strong>Proposed Use:</strong> Residential Subdivision</td>
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<td><strong>Concept summary:</strong> Rezoning for anticipated single family residential construction.</td>
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<td><strong>Tract Size:</strong> 40 + acres</td>
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<td><strong>Location:</strong> West of the Northwest corner of East 41st Street South &amp; South 145th East Avenue</td>
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<th><strong>Zoning:</strong></th>
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<td><strong>Existing Zoning:</strong> AG</td>
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<td><strong>Proposed Zoning:</strong> RS-4</td>
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<th><strong>Comprehensive Plan:</strong></th>
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<tr>
<td><strong>Land Use Map:</strong> New Neighborhood</td>
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<td><strong>Stability and Growth Map:</strong> Area of Growth</td>
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<tr>
<th><strong>Staff Recommendation:</strong></th>
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<td>Staff recommends approval.</td>
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<th><strong>Staff Data:</strong></th>
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<td><strong>TRS:</strong> 9421</td>
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<td><strong>CZM:</strong> 49</td>
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<th><strong>City Council District:</strong> 6</th>
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<tr>
<td><strong>Councilor Name:</strong> Connie Dodson</td>
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<th><strong>County Commission District:</strong> 1</th>
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<tr>
<td><strong>Commissioner Name:</strong> Stan Sallee</td>
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REVISED 2/24/2021
SECTION I: Z-7599

DEVELOPMENT CONCEPT: Rezoning to establish a single-family residential neighborhood that meet or exceed the standards identified in the RS-4 zoning district.

EXHIBITS:
- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits: None included

DETAILED STAFF RECOMMENDATION:

Z-7599 requesting RS-4 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in a RS-4 district allow a greater density than the abutting RS-3 zoned properties abutting the site however RS-4 zoning is consistent with the anticipated future development pattern of the surrounding property that has not been developed and,

RS-4 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7599 to rezone property from AG to RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The property is consistent with the expected land use development in our comprehensive plan and abuts a public park with several soccer fields.

Land Use Vision:

Land Use Plan map designation: New Neighborhood
The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.

Areas of Stability and Growth designation: Area of Growth
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.

Transportation Vision:

Major Street and Highway Plan: Multi-modal corridor designation on East 41st Street South. 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.

Trail System Master Plan Considerations: The Go Plan does not provide guidance for pedestrian or bicycle trail systems through this site however connections to stub streets will require sidewalk improvements and improve pedestrian access from this development to the park and surrounding properties.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is undeveloped and abuts a city park with multiple soccer fields on the north side. The northwest corner of the site touches a stub street. Another stub street on the west was left for future connectivity. The street and lot configuration will be affected by the stub street connection on the west and northwest corner of the property.

Street view from East 39th Street looking east. (See next page)
Environmental Considerations: None that would affect site development.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tbody>
<tr>
<td>East 39th Street south and S. 136th East Avenue intersection with stub street at the northwest corner of the site.</td>
<td>Residential Collector</td>
<td>60 feet</td>
<td>2</td>
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<tr>
<td>East 40th Street South</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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<tbody>
<tr>
<td>North</td>
<td>AG</td>
<td>Park and Open Space</td>
<td>Stability</td>
<td>Public Park</td>
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<tr>
<td>East</td>
<td>AG</td>
<td>New neighborhood</td>
<td>Growth</td>
<td>Undeveloped</td>
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<tr>
<td>South</td>
<td>AG</td>
<td>New neighborhood</td>
<td>Growth</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Existing neighborhood</td>
<td>Stability</td>
<td>Undeveloped</td>
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SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11825 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

**BOA-16823 October 1994:** The Board of Adjustment approved a Special Exception to permit a public park on a 4-acre tract in an AG zoned district (northwest corner of the property) per plan submitted and a Special Exception to permit soccer fields only in an AG zoned district (east 20 acres of the property), subject to the applicant returning to the Board for any change in use, finding the park and soccer fields to be compatible with the surrounding area, on property located at south of the southeast corner of East 35th Street and South 136th East Avenue.

**PUD-221-J October 2017:** All concurred in approval of a proposed Major Amendment to PUD on a 4.82± acre tract of land to include safety services as an allowable use to permit a fire station, on property located at the southeast corner of East 41st Street South and South 134th East Avenue.

**PUD-221-F April 1999:** All concurred in approval of a proposed Major Amendment to PUD on a 38.8± acre tract of land, to add church, school, and accessory uses, to amend development standards and to reallocate floor area in development areas (the subject tract is located in Development Area H and is approved for institutional uses, churches, schools, and 24 townhouses or patio homes), on property located south and east of the southeast corner of East 41st Street South and South 129th East Avenue.

**PUD-221-A December 1981:** All concurred in approval of a proposed Major Amendment to PUD on a 160± acre tract of land to convert the commercial portion of the CS floor area to
multifamily purposes, on property located at the southeast corner of East 41st Street South and South 129th East Avenue.

**PUD-221 October 1979:** All concurred in approval of a proposed *Planned Unit Development* on a 160+ acre tract of land to develop commercial, office, multifamily, single-family, and institutional uses in multiple Development Areas, subject to conditions, on property located at the southeast corner of East 41st Street and South 129th East Avenue.

3/3/2021 1:00 PM
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
SUBJECT TRACT
LAND USE PLAN
NEW NEIGHBORHOOD

Land Use Plan Categories

- Downtown
- Downtown Neighborhood
- Main Street
- Mixed-Use Corridor
- Regional Center
- Town Center
- Neighborhood Center
- Employment
- New Neighborhood
- Existing Neighborhood
- Park and Open Space
- Arkansas River Corridor

Z-7599
19-14 21
Growth and Stability

Area of Growth
Area of Stability

SUBJECT TRACT

Z-7599
19-14 21
<table>
<thead>
<tr>
<th><strong>Case:</strong></th>
<th>Addison Creek Blocks 10-15</th>
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<td><strong>Hearing Date:</strong></td>
<td>March 3, 2021</td>
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<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th>Nathan Foster</th>
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<th><strong>Owner and Applicant Information:</strong></th>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Tanner Consulting, LLC</td>
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<td><strong>Owner:</strong></td>
<td>Stone Horse Development, LLC</td>
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<tr>
<td>Preliminary Subdivision Plat &amp; Modification to Subdivision &amp; Development Regulations to extend allowable block length for Block 15</td>
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<td>87 lots, 6 blocks, 24.87 ± acres</td>
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<tr>
<td><strong>Location:</strong></td>
<td>West of South Sheridan Road at East 126th Place South</td>
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<tr>
<th><strong>Zoning:</strong></th>
<th>RS-3</th>
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<th><strong>Staff Recommendation:</strong></th>
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<td>Staff recommends approval of the preliminary plat and the modification</td>
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<tr>
<td><strong>Councilor Name:</strong></td>
<td>Phil Lakin</td>
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<td><strong>Commissioner Name:</strong></td>
<td>Ron Peters</td>
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**EXHIBITS:** Site Map, Aerial, Land Use, Growth & Stability, Preliminary Plat Submittal
PRELIMINARY SUBDIVISION PLAT

Addison Creek Blocks 10-15 - (CD 8)
West of the South Sheridan Road at East 126th Place South

This plat consists of 114 lots, 9 blocks, 7 reserve areas on 56.41± acres for use as a single-family residential subdivision.

The Technical Advisory Committee (TAC) met on June 1, 2017 and provided the following conditions:

1. **Zoning:** The property is currently zoned RS-3. All lots shown on the preliminary plat conform to the lot and building regulations of RS-3 in the City of Tulsa Zoning Code.

2. **Transportation & Traffic:** Stub streets are required as shown on the preliminary plat to the west and south to provide future connections to new development. Sidewalks will be required to be installed on both sides of all residential streets.

3. **Sewer:** Proposed sanitary sewer extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications must be clearly dimensioned and labeled on the face of the plat.

4. **Water:** Proposed water main extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications must be clearly dimensioned and labeled on the face of the plat.

5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Provide addresses for individual lots. Label the property being platted as “site” or “project location” in the location map. Show only filed plats in the location map and label all other property as unplatted. Under the “Basis of Bearing” heading provide a bearing angle between two known points associated with this plat. Graphically show all pins found or set associated with this plat. Graphically label the Point of Beginning and Point of Commencement.

6. **Stormwater, Drainage, & Floodplain:** All delineated floodplain boundaries, including City of Tulsa Regulatory Floodplain, must be clearly and accurately shown on the plat with base flood elevations labeled. It is recommended that the current effective map panels with map effective dates also be placed on the plat. Any proposed development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11-A and Title 51 as well as all City drainage standards. Proposed changes to the floodplain boundaries or flood elevations will be subject to floodplain map revisions.

7. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.
Modification of Subdivision & Development Regulations:

1. The applicant has requested a modification to the allowable block length for "Suburban" block types from 1,000 feet to 1,150 feet for Block 15 on the western edge of the subdivision. Given the connection to the east provided at the north end of the block and the presence of necessary drainage improvements to the west of the block, staff finds the request to extend the block length non-injurious and recommends approval of the modification.

Staff recommends APPROVAL of the preliminary subdivision plat and the modification of the Subdivision & Development Regulations subject to the conditions provided by TAC and all other requirements of the regulations. Final plat approval is contingent on a final release from the City of Tulsa including Development Services, City Legal, and City Engineering.
DEED OF DEDICATION

Preliminary Plat

ADDISON CREEK BLOCKS 10-15

SECTION III (Preliminary Plat) of the ADDISON CREEK BLOCKS 10-15

A SUBDIVISION OF THE CITY OF OKLAHOMA COUNTY, OKLAHOMA

DEED OF DEDICATION

This deed is made by the owner(s) of the real property described herein, and is executed in consideration of the sum of $1.00 and other valuable considerations, to-wit: the UNCONDITIONAL AGREEMENT of the grantor(s) to convey the described property to the grantee(s), the UNCONDITIONAL AGREEMENT of the grantee(s) to take the described property from the grantor(s), and the UNCONDITIONAL AGREEMENT of the grantor(s) and grantee(s) to the mutual covenants and agreements set forth herein.

CONSIDERATION:
The consideration for the conveyance hereinafter described is the sum of $1.00 and other valuable considerations.

DESCRIPTION:
The land hereby conveyed is a tract of land, more particularly described as follows:

ADDITIONAL INFORMATION:

1. The property is located in the ADDISON CREEK BLOCKS 10-15, located in the City of Oklahoma County, Oklahoma.

Sealed and executed this day of , 20__.

[Signature]

[Name]

[Address]

[Phone Number]

[Email]


g
g

Prepared by: [Name]

[Address]

[Phone Number]

[Email]
DEED OF DEDICATION CONTINUED

SECTION II, LAND USE RESTRICTIONS

A. USE OF LAND

5. ALL USES OF THE EASEMENTS SHALL BE REGULAR, ARENT AND REASONABLE, AND SHALL BE IN CONFORMITY WITH THE USES PERMITTED ON THE ADDITIONAL PLAT, AND SHALL NOT INCLUDE OR ENTAIL THE USE OF ANY PUBLIC RIGHTS OF WAY OR ANY PUBLIC USES OF LAND, WHETHER OR NOT THAT LAND MAY BE OWNED OR CONTROLLED BY THE PROPERTY OWNER OF ANY PROPERTY SUBJECT TO THE EASEMENTS.

6. ALL USES OF THE EASEMENTS SHALL BE REGULAR, ARENT AND REASONABLE, AND SHALL NOT INCLUDE OR ENTAIL THE USE OF ANY PUBLIC RIGHTS OF WAY OR ANY PUBLIC USES OF LAND, WHETHER OR NOT THAT LAND MAY BE OWNED OR CONTROLLED BY THE PROPERTY OWNER OF ANY PROPERTY SUBJECT TO THE EASEMENTS.

7. ALL USES OF THE EASEMENTS SHALL BE REGULAR, ARENT AND REASONABLE, AND SHALL NOT INCLUDE OR ENTAIL THE USE OF ANY PUBLIC RIGHTS OF WAY OR ANY PUBLIC USES OF LAND, WHETHER OR NOT THAT LAND MAY BE OWNED OR CONTROLLED BY THE PROPERTY OWNER OF ANY PROPERTY SUBJECT TO THE EASEMENTS.

8. ALL USES OF THE EASEMENTS SHALL BE REGULAR, ARENT AND REASONABLE, AND SHALL NOT INCLUDE OR ENTAIL THE USE OF ANY PUBLIC RIGHTS OF WAY OR ANY PUBLIC USES OF LAND, WHETHER OR NOT THAT LAND MAY BE OWNED OR CONTROLLED BY THE PROPERTY OWNER OF ANY PROPERTY SUBJECT TO THE EASEMENTS.

B. PRIVATE RESTRICTIONS AND EASEMENTS

5. ALL USES OF THE EASEMENTS SHALL BE REGULAR, ARENT AND REASONABLE, AND SHALL NOT INCLUDE OR ENTAIL THE USE OF ANY PUBLIC RIGHTS OF WAY OR ANY PUBLIC USES OF LAND, WHETHER OR NOT THAT LAND MAY BE OWNED OR CONTROLLED BY THE PROPERTY OWNER OF ANY PROPERTY SUBJECT TO THE EASEMENTS.

6. ALL USES OF THE EASEMENTS SHALL BE REGULAR, ARENT AND REASONABLE, AND SHALL NOT INCLUDE OR ENTAIL THE USE OF ANY PUBLIC RIGHTS OF WAY OR ANY PUBLIC USES OF LAND, WHETHER OR NOT THAT LAND MAY BE OWNED OR CONTROLLED BY THE PROPERTY OWNER OF ANY PROPERTY SUBJECT TO THE EASEMENTS.

7. ALL USES OF THE EASEMENTS SHALL BE REGULAR, ARENT AND REASONABLE, AND SHALL NOT INCLUDE OR ENTAIL THE USE OF ANY PUBLIC RIGHTS OF WAY OR ANY PUBLIC USES OF LAND, WHETHER OR NOT THAT LAND MAY BE OWNED OR CONTROLLED BY THE PROPERTY OWNER OF ANY PROPERTY SUBJECT TO THE EASEMENTS.

8. ALL USES OF THE EASEMENTS SHALL BE REGULAR, ARENT AND REASONABLE, AND SHALL NOT INCLUDE OR ENTAIL THE USE OF ANY PUBLIC RIGHTS OF WAY OR ANY PUBLIC USES OF LAND, WHETHER OR NOT THAT LAND MAY BE OWNED OR CONTROLLED BY THE PROPERTY OWNER OF ANY PROPERTY SUBJECT TO THE EASEMENTS.

SECTION III, ENFORCEMENT, DURATION, AMENDMENT OR TERMINATION, & SUSPENDIBILITY

A. ENFORCEMENT

1. THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, SHALL BE ENFORCED BY THE PROPERTY OWNERS OF THE PROPERTY SUBJECT TO THE EASEMENTS, AS THEIR REPRESENTATIVES, AND SHALL BE ENFORCED BY ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS.

2. ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS SHALL BE ENTITLED TO ENFORCE THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, AGAINST ANY PERSON WHOSE USE OF THE PROPERTY SUBJECT TO THE EASEMENTS VIOLATES SUCH RESTRICTIONS AND USES.

3. ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS SHALL BE ENTITLED TO ENFORCE THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, AGAINST ANY PERSON WHOSE USE OF THE PROPERTY SUBJECT TO THE EASEMENTS VIOLATES SUCH RESTRICTIONS AND USES.

4. ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS SHALL BE ENTITLED TO ENFORCE THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, AGAINST ANY PERSON WHOSE USE OF THE PROPERTY SUBJECT TO THE EASEMENTS VIOLATES SUCH RESTRICTIONS AND USES.

5. ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS SHALL BE ENTITLED TO ENFORCE THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, AGAINST ANY PERSON WHOSE USE OF THE PROPERTY SUBJECT TO THE EASEMENTS VIOLATES SUCH RESTRICTIONS AND USES.

B. AMENDMENT OR TERMINATION

1. ANY AMENDMENT OR TERMINATION TO THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, SHALL BE ENFORCED BY THE PROPERTY OWNERS OF THE PROPERTY SUBJECT TO THE EASEMENTS, AS THEIR REPRESENTATIVES, AND SHALL BE ENFORCED BY ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS.

2. ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS SHALL BE ENTITLED TO ENFORCE THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, AGAINST ANY PERSON WHOSE USE OF THE PROPERTY SUBJECT TO THE EASEMENTS VIOLATES SUCH RESTRICTIONS AND USES.

3. ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS SHALL BE ENTITLED TO ENFORCE THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, AGAINST ANY PERSON WHOSE USE OF THE PROPERTY SUBJECT TO THE EASEMENTS VIOLATES SUCH RESTRICTIONS AND USES.

4. ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS SHALL BE ENTITLED TO ENFORCE THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, AGAINST ANY PERSON WHOSE USE OF THE PROPERTY SUBJECT TO THE EASEMENTS VIOLATES SUCH RESTRICTIONS AND USES.

5. ANY PERSON HAVING ANY EASEMENT OR CONDEMNATION INTEREST IN THE PROPERTY SUBJECT TO THE EASEMENTS SHALL BE ENTITLED TO ENFORCE THE RESTRICTIONS AND USES SET FORTH IN THIS DEED OF DEDICATION, AS WELL AS THE EASEMENTS, AGAINST ANY PERSON WHOSE USE OF THE PROPERTY SUBJECT TO THE EASEMENTS VIOLATES SUCH RESTRICTIONS AND USES.