

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2544

Wednesday, April 1, 2009, 1:30 p.m.

City Council Chambers

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell		Alberty	Boulden, Legal
Carnes		Feddis	Steele, Sr. Eng.
Keith		Fernandez	Benge, Inspect. Serv.
Leighty		Huntsinger	Simmons, Plan Dept.
Marshall		Matthews	Warlick, Plan Dept.
McArtor		Sansone	
Midget			
Shivel			
Sparks			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 26, 2009 at 2:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Cantrell called the meeting to order at 1:31 p.m.

REPORTS:

Comprehensive Plan Report:

Theron Warlick, Planner with the City of Tulsa Planning Department, reported on the PlaniTulsa updates. Mr. Warlick further reported that Mr. John Fregonese will be attending the April 15, 2009 TMAPC work session to review four distinct scenarios for future development, along with some compared indicators that citizens will be using to select their preferred vision for Tulsa's future. There will be a launch on May 12, 2009 at the Cain's Ballroom and the entire City is invited.

Director's Report:

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

Mr. Alberty further reported that the Form Base Codes consulting team will be in Tulsa April 9, 2009 and there will be a work shop held at the Centennial Park Auditorium from 6:30 p.m. to 8:00 p.m.

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

Ms. Cantrell announced that Item 1, LS-20288 has requested a continuance to May 20, 2009.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** LS-20288 to May 20, 2009.

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

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. **LS-20288** – Daniel Person (1302)/Lot-Split (County)
 South of 123rd Street North and West of North 75th
 Avenue East, 12184 North 75th East Avenue
2. **LC-156** – Gerardo Herrera (9302)/Lot Combination (PD 5) (CD 3)
 South of East 10th Street and West of South 69th
 Avenue, 6716 East 10th Street South

3. **LC-162** – Philip Hoey (9223)/Lot Combination (PD 9) (CD 2)
West of Southwest Boulevard and East of South Santa Fe Avenue, 3310 Southwest Boulevard
4. **Meadowbrook Center –** (3813) Change of Access (PD 18 C) (CD 8)
Southwest corner of East 81st Street and South Mingo Road

STAFF RECOMMENDATION:

This application is made to allow a change of access to shift the existing access along South Mingo Road. The property is zoned PUD-522 (CS).

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

5. **BOA-20604 –** (9202) Plat Waiver (PD 1) (CD 4)
505 North Denver, 506 North Cheyenne, Lots 3, 4, 5, 6, Block 3, Tulsa Original Townsite

STAFF RECOMMENDATION:

The platting requirement is triggered by BOA-20604 for a Special Exception to permit a Transitional Living Center, Homeless Center, Emergency and Protective Shelter and a Residential Treatment Center (Use Unit 2) in a CBD district and a Special Exception to permit such uses within a ½ mile of similar uses.

Staff recommends **APPROVAL** of the plat waiver because of the existing structures, and the existing platted property in the downtown area. Request for waivers in the CBD zoning area are normally granted by TMAPC.

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 R/W? | X | |

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

- | | |
|--|---|
| 4. Is right-of-way dedication required to comply with major street and highway Plan? | X |
| 5. Will restrictive covenants be filed by separate instrument? | 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
 - lii 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

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.

Ms. Cantrell requested that Item 6 be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 2 through 5 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

6. PUD-472-4 – Messick Mini Storage (PD-18) (CD-9)

East of the southeast corner of Peoria Avenue and 58th Street South [Minor Amendment to add community center use (a 1,600 sq. ft. meeting room) to an existing mini-storage facility.]

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add Community Center only, within Use Unit 5 – Community Services and Similar Uses to an existing mini-storage facility. The proposed use is a use permitted by right in a CS-zoned district the underlying zoning of PUD-472.

Section 1107, H-15 of the Tulsa Zoning Code allows for changes in use within a PUD to be done with a minor amendment, so long as the change or addition of the use is a use permitted by right by the underlying zoning district and the change in use, “does not result in any increase of incompatibility with the present and future use of the proximate properties”. The properties to the west and north are zoned CS, to the east RM-2 and to the south RS-3.

The storage facility is 17,150 square feet (SF). The applicant is requesting that 1,600 SF or 9% of the floor area of the facility be dedicated to the additional use, which will include the meeting room, a pass-through kitchen designed for caterers and restrooms as required by Code (see Exhibits A and B). The kitchen will not be equipped for on-site preparation of food and would be equipped with an ice maker, refrigerator and sink only.

The meeting room would be limited to the number of people it will hold (50) and will have excessive insulation and sheet rock per Exhibit C providing extra sound insulation. The nearest single-family structure is located approximately 350 feet

to the south. The site is surrounded by a four-inch thick, six-foot high concrete wall. Sufficient parking will be provided to ensure no cars will be parked on neighboring streets.

Provided the aforementioned, staff feels the conversion of 1,600 SF of storage space into meeting space will not result in any increase of incompatibility with the present and future use of the proximate properties. Therefore, staff recommends **APPROVAL** of minor amendment PUD-472-4. The TMAPC approved this minor amendment (11-0-0) with the condition that events will be held no later than midnight on week nights, and no later than 1:00 am on weekends.

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

TMAPC COMMENTS:

Ms. Cantrell stated that this will be a private facility and the applicant indicated that they would only need it until midnight on weekends and she asked staff if there is any real restriction on private building. In response, Mr. Sansone stated that if the applicant commits to wanting to close the facility by midnight on the weekend, they could be held to that. It does present logistically some problems with enforcing it since he isn't sure how many inspectors are out on the weekends at midnight. This is a PUD and hours-of-operation limits are permissible. Ms. Cantrell requested that the applicant agree to a restriction that anything past midnight or 1:00 a.m.

Ms. Cantrell asked the applicant if he had any objections to limiting his hours of operation to midnight during the week and 1:00 a.m. on weekends. She explained this would give the applicant some flexibility since it is a private facility.

Applicant's Comments:

Dean Messick, 6004 S. Birmingham Pl, 74165, stated that he has no problem with closing at midnight during the week and 1:00 a.m. on weekends as suggested by Ms. Cantrell. He explained that he has made some special considerations to the sound and anything possible at this point and time.

Mr. Sansone stated that the applicant actually requested to have 11:00 p.m. for the weekdays. In response, Ms. Cantrell stated that she wanted to give them an extra hour in case they need to move some things out of the building.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-472-4 per staff recommendation as modified by the Planning Commission that events

will be held no later than midnight on weeknights, and no later than 1:00 am on weekends. (Language with a strike-through has been deleted and language with an underline has been added.)

ZONING CODE PUBLIC HEARING

7. **Consider proposed amendments to the Zoning Code of the City of Tulsa regarding Zoning Code Sections 1221, “Use Unit 21 Business Signs and Outdoor Advertising” and 1800, “Definitions”.**

STAFF RECOMMENDATION:

Shannon Bengé, City of Tulsa Inspections Services, stated that the language submitted was written and approved by the Sign Advisory Board. The primary reason for the language is to limit the flashing effect on business signs and to limit the size of digital business signs.

TMAPC COMMENTS:

In response to Mr. Marshall, Ms. Bengé stated that white is the brightest color and when one changes the color, it changes the intensity.

Ms. Bengé reviewed the deletions and proposed changes to the language.

Ms. Cantrell expressed concerns that interested parties may not be present since the packet and TMAPC website didn't have the entire proposal included until Tuesday prior to today's meeting. She recommended that this item be continued to April 22, 2009.

Mr. Alberty informed Ms. Cantrell that the notice that was published over 30 days ago did identify all of the changes proposed and the notice was proper.

Mr. Boulden recommended that this exemption be deleted because there was no compelling state interest identified that would justify giving this form of free speech preference of other forms of speech that are more highly protected. Mr. Boulden stated that he is not sure the definition for flashing illumination is necessary in the Zoning Code. He believes that this should be continued in order to review these two issues and have some discussion on those matters.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** proposed amendments to the Zoning Code of the City of Tulsa regarding Zoning Code Sections 1221, "Use Unit 21 Business Signs and Outdoor Advertising" and 1800, "Definitions" to April 22, 2009.

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COMPREHENSIVE PLAN PUBLIC HEARING

- 8. **Consider adopting the Southwest Tulsa Neighborhood Plan Phase One, Detailed Implementation Plan, A Part of the Planning Districts 8 & 9 Detail Plans, parts of the Comprehensive Plan for the Tulsa Metropolitan Area.**

STAFF RECOMMENDATION:

Ms. Matthews stated that the City Planning Department has been working with the Southwest Tulsa Neighborhood. Staff has drafted a notice to adopt this as part of the Comprehensive Plan, which involves Districts 8 and 9.

TMAPC COMMENTS:

Mr. Carnes stated that it took a long time to bring water to West Tulsa and once it did arrive, then development started. He thanked everyone for working on this project.

Interested Parties Comments:

Richard Ryan, 6822 South 28th West Avenue, 74132, stated that he is in favor of the proposal. Mr. Ryan cited the process this project has taken and the length of time it has taken.

TMAPC COMMENTS:

Commissioner Keith stated that Mr. Simmons has done an incredible job working with the neighborhoods and putting this plan together.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of adopting the Southwest Tulsa Neighborhood Plan Phase One, Detailed Implementation Plan, A Part of the Planning Districts 8 & 9 Detail Plans, parts of the Comprehensive Plan for the Tulsa Metropolitan Area per staff recommendation.

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9. Consider Amending the District 8 Plan Map and Text, A Part of the Comprehensive Plan for the Tulsa Metropolitan Area.

STAFF RECOMMENDATION:

PROPOSED AMENDMENTS TO THE DISTRICT 8 DETAIL PLAN

April 1, 2009

Change:

2.2.1.2 **from** "Maintaining the District's low density, existing rural residential character, except for some areas within Special District designations", **to** "In recognition of recent utilities extensions into this District and associated higher density developments, continued development at higher than the former rural residential intensities is expected. These developments should be designed so that they do not unduly affect the existing nearby rural types of development. It is expected, however, that this area will eventually transition into more urban intensity development."

Add:

- Section 3. Policies for Specific Areas

Following the introductory paragraph, add the following text:

Neighborhood Plans:

The area in Planning District 8 south of Skelly Drive to West 71st Street, from the City limits east to the Arkansas River is included in the Southwest Tulsa Neighborhood Plan Phase One Detailed Implementation Plan. Portions of that plan that are under the TMAPC's purview should guide development and redevelopment in this area.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of Amending the District 8 Plan Map and Text, A Part of the Comprehensive Plan for the Tulsa Metropolitan Area per staff recommendation.

10. **Consider Amending the District 9 Plan Map and Text, A Part of the Comprehensive Plan for the Tulsa Metropolitan Area.**

STAFF RECOMMENDATION:

**PROPOSED AMENDMENTS TO THE DISTRICT 9 DETAIL PLAN
April 1, 2009**

Add:

3. Following the first paragraph in this section (referring to Special Districts), add as paragraph two, "The Southwest Tulsa Neighborhood Plan Phase One Implementation Plan includes the area within Planning District 9 generally with the City limits south of the Arkansas River to Skelly Drive, west of the Arkansas River to the Red Fork Expressway, and also including the City limits portion north and west of the expressway north of West 41st Street South, as well as small portions north and south of West 21st Street west of the expressway. Portions of that plan that are under the TMAPC's purview should guide development and redevelopment in this area."

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of Amending the District 9 Plan Map and Text, A Part of the Comprehensive Plan for the Tulsa Metropolitan Area per staff recommendation.

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PUBLIC HEARING

11. **Heritage Landing** - (0329) Authorization for Accelerated (PD 3) (CD 3) Release of Building Permit

West of the Southwest corner of Apache and North Harvard Avenue (A continuance is requested to 4/15/09 for further review of floodplain on site. This item was previously continued from the 3/18/09 agenda.)

STAFF RECOMMENDATION:

The applicant has requested a continuance to April 15, 2009 for further review of floodplain on the subject site.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the authorization for accelerated release of building permit for Heritage Landing to April 15, 2009.

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12. **Candlewood/Yale** – (3913) Preliminary Plat (PD 18 B) (CD 7)
South of Southwest corner of East 51st Street and South Vandalia Avenue

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 3.70 acres.

The following issues were discussed March 19, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 764. All PUD standards must be followed and shown in the covenants. Show mutual access easements.
2. **Streets:** The mutual access easement required by the PUD should be provided by this plat. Provide standard sidewalk language. Limit accesses to three as required by the PUD. Show how left turn only will be accomplished on to Vandalia. It will be difficult to enforce only with left turn arrows unless there is some physical design that forces the flow of traffic to the left. A divided curb or median may have to be considered. Mutual access easements must be defined.
3. **Sewer:** Omit the second paragraph in Section I-A. In Section 1-B, 2 add sanitary sewer easement with the water, utility easement, etc. In Section I-C, insert the words "including irrigation systems" after the word landscaping. In Section I-G, since the landscaping easement is located within a utility easement, walls will not be allowed within the landscaping easement unless the utility easement is enlarged to make up for the area lost to the wall. In Section I-H3, Reserve A must be further defined. Offsite parking is provided for who? Can it be used by vehicles for this plat as well? Who is going to build the parking and who will maintain it? Add restrictive language for the existing sanitary sewer easement along the west property line. The plat looks okay unless the easement along the east and south boundary needs to be enlarged to allow for a screening wall within the landscape easement.
4. **Water:** No comment.

5. **Storm Drainage:** Please remove contour lines from the face of plat. Add City of Tulsa standard language for "lot surface drainage". All stormwater runoff from the 100 year rainfall event must be collected before it leaves the site, and must be conveyed, in a 100-year capacity storm sewer system, to the public 100 year storm sewer system west of this site. If access to a 100-year storm system is not possible then detention will be required.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: Label and show the "date of preparation" for the plat. Basis of bearing should be clearly described and stated in degrees, minutes, and seconds. Include the surveyor's e-mail address. Please show monumentation with coordinates on the face of the plat that tie into the state plane coordinate system (NAD 83). Submit a subdivision control data form (Appendix D), last page of the subdivision regulations for the Tulsa Metropolitan area.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

TMAPC COMMENTS:

Ms. Cantrell stated that although the Planning Commission recommended that there be a street closing near the subject site, but that is something for City Council to decide. In response, Mrs. Fernandez stated that it is also her understanding that the residents that were concerned about it during the discussion at the Planning Commission meeting should take this issue up with Mr. Brown, Traffic Engineering, and go through the procedure and then the City will determine whether to close it.

In response to Ms. Wright, Mrs. Fernandez stated that the minutes accompanied the PUD to the City Council and that discussion was included in the minutes. But to move this issue forward it would have to be a result of the citizens requesting the closure.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Candlewood/Yale per staff recommendation, subject to special conditions and standard conditions.

13. **BOA-20566** – (0335) Plat Waiver

(PD 16) (CD 3)

Southeast corner of east Oklahoma Place and North 67th East Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a board of adjustment case BOA-20566 for a church use, school use and office use per plan.

Staff provides the following information from TAC at their March 19, 2009 meeting:

ZONING:

TMAPC Staff: The property has been previously platted.

STREETS:

Sidewalks must be set back at least three feet from back of curb.

SEWER:

According to the exhibit, the proposed parish offices encroach into the existing utility easement between Lots 7 and 8. The building footprint must be located out of the easement and far enough away so as not to damage the existing pipe. Additional easement may be required to provide a total of 15 feet for the sewer pipe. At the time of development, the pipe must be video inspected to assure that it can be tapped. If it must be brought up to City of Tulsa standards, it must be done at the developers' expense.

WATER:

No comments.

STORM DRAIN:

Previous covenants did not cover most of our current subdivision regulations and none of the City of Tulsa's standard covenant language. If this remains as two lots then easements will be required for public drainage crossing those lot lines, and an IDP may be required.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for this previously platted 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.?		
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

*Additional easements may be necessary.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for BOA-20566 per staff recommendation.

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- 14. **CZ-399 – George & Teresa Tosh** **AG to CS**
 Northeast corner of West 9th Street and 174th West Avenue (County)

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980 established zoning for the subject property. The Comprehensive Plan map for the Sand Springs Planning Area was amended on November 17, 2008 to designate this property as Medium Intensity-Commercial land use.

PROPOSED ZONING: CS **PROPOSED USE:** Commercial

RELEVANT ZONING HISTORY:

CZ-395 September 2008: All concurred in denial of a request for rezoning on a 13.6± acre tract of land from AG to CG for commercial use, suggesting the applicant to talk with City of Sand Springs about changing there Comprehensive Plan to reflect the proposed zoning, on property located northeast corner of West 9th Street and 174th West Avenue and the subject property.

CBOA-2159 June 21, 2005: The Board of Adjustment approved a Special Exception to permit Use Unit 17 in a CS zoned district, with conditions for lube and oil business only; no outside storage of cars or materials; no auto sales; and no salvage operations, per plan, on property located at: 17433 West 9th Street South.

CZ-300 April 2002: A request for rezoning a 5± acre tract of land from AG to CG for commercial and outdoor advertising sign use, on property located on the southeast corner of Highway 412 West and South 177th West Avenue. All concurred in denial of CG and approval of CS zoning.

CBOA-1934 January 2002: The County Board of Adjustment approved a request for a special exception use in a CS-zoned district to allow the sale of horse trailers, Use Unit 17, on property located on the northwest corner of West

9th Street and South 174th West Avenue and on the north side of the Keystone Expressway.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8.31± acres in size and is located northeast corner of West 9th Street and 174th West Avenue. The property appears to be vacant and is zoned AG.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 174 th West Avenue	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned AG; on the north by single-family residential and vacant land, zoned RE; on the south by U.S. 51, zoned AG; and on the west by commercial uses, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Sand Springs Comprehensive Plan designates this area as being Medium Intensity-Commercial land use. According to the Zoning Matrix, the requested CS zoning **is** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Sand Springs Comprehensive Plan and development trends in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of CS zoning for CZ-399.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of CS zoning for CZ-399 per staff recommendation.

Legal Description for CZ-399:

A tract of land lying in a part of the West Half of Section 6, T-19-N, R-11-E, Tulsa County, State of Oklahoma, being more particularly described as follows: Beginning at a point on the North right-of-way line of U.S. Hwy. 64, said point being 500.13 feet South and 1523.27 feet East of the West Quarter Corner of said Section 6; Thence N 03°47'53"W a distance of 356.12 feet to a point;

Thence N 84°26'00"E a distance of 1024.19 feet to a point on the East Boundary of said tract; Thence S 00°07'46"W a distance of 358.40 feet to a point on North right of way line of Hwy 64; Thence S 85°52'00"W along said right-of-way a distance of 343.80 feet to a point; Thence S 79°32'00"W a distance of 226.40 feet to a point; Thence S 85°52'00"W a distance of 430.50 feet to the Point of Beginning **from AG (Agriculture District) to CS (Commercial Shopping Center District).**

15. **Z-7128 – Wallace Engineering** **RS-2 to CS**
Southeast corner of South 33rd West Avenue and Interstate 44 (PD-8) (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CS **PROPOSED USE:** Accessory parking

RELEVANT ZONING HISTORY:

Z-7076 December 2007: All concurred in approval of a request for rezoning a 1.5± acre tract of land from RS-2 to CS for financial services and commercial shopping, on property located southeast corner of South 33rd West Avenue and West Skelly Drive.

Z-7073 September 2007: All concurred in approval of rezoning a two-acre parcel immediately adjacent to the subject property from RS-2 to CS for a financial services and commercial shopping center.

BOA-18374 April 13, 1999: The Board of Adjustment approved a Special Exception to allow for auto repair with six bays, not including body and paint shop, no storage of inoperable vehicles outside, and a mini storage facility in a CS district, with conditions set forth in an RM-1 district. The south wall of the mini storage facility was to be constructed out of masonry material and serve as the screening fence. The Board also approved a Special Exception of the screening requirements on the north and south boundaries, per plan submitted on property located at 2940 West Skelly Drive and abutting east of the subject property.

Z-6371 November 1992: All concurred in approval of a request for rezoning a tract of land from RS-3 to CS, located north of the subject property.

Z-6321 October 1991: All concurred in approval of a request for rezoning a tract of land from RS-3 to CS/PK on property located west of and abutting the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .244± acres in size and is located southeast corner of South 33rd West Avenue & Interstate 44. The property appears to be vacant and is zoned RS-2.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 33 rd West Avenue	Secondary arterial	100'	4

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

SURROUNDING AREA: The subject tract is abutted on the east by vacated ODOT right-of-way, zoned CS; on the north by I-44, zoned RS-3; on the south by a recently approved Peoples Bank, zoned CS; and on the west by commercial use and parking, zoned CS and PK, respectively.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Special District Area B/Medium Intensity – Commercial land use. According to the Zoning Matrix, the requested CS zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:

The request appears to be for parking uses associated with the Peoples Bank that was approved recently. The property on which it is proposed to be located is to be leased to the bank by ODOT, and this issue was discussed during the public hearing for the bank's application. Based on the Comprehensive Plan and previous approval of the bank, staff recommends **APPROVAL** of CS zoning for Z-7128.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of CS zoning for Z-7128 per staff recommendation.

Legal Description for Z-7128:

[BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 33RD WEST AVENUE WHICH IS THE NORTHWEST CORNER OF LOT 1, BLOCK 1, PEOPLES BANK CARBONDALE, ACCORDING TO THE RECORDED PLAT THEREOF, RECORDED IN TULSA COUNTY AS PLAT NUMBER 6227; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, BLOCK 1 TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1; THENCE NORTH 00° 00' 20" EAST FOR A DISTANCE OF 35.00 FEET; THENCE WESTERLY PARALLEL TO THE NORTH LINE OF SAID LOT 1, BLOCK 1 TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 33RD WEST AVENUE; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING **From RS-2 (Residential Single-family District) To CS (Commercial Shopping Center District).**

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- 16. **Z-7129 – William D. LaFortune** **OMH to CS**
 East of northeast corner South Harvard Avenue and East 51st Street (PD-6) (CD-7)

STAFF RECOMMENDATION:

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

PROPOSED ZONING: CS **PROPOSED USE:** Commercial development

RELEVANT ZONING HISTORY:

BOA-20435 February 27, 2007: The Board of Adjustment approved a Verification of spacing requirements for an outdoor advertising sign; and denied a Variance of the maximum permitted display surface area for signs in a CS district to permit a 400 square foot outdoor advertising sign, on property located 400 feet east of the northeast corner of I-44 and South Harvard Avenue and west of subject property. The application was appealed to District Court on March 7, 2007 by Lamar Companies, LLC.

BOA-20376 November 28, 2006: The Board of Adjustment approved a Verification of the spacing requirement for an Outdoor Advertising Sign of 1,200 feet from another outdoor advertising sign on the same side of the highway; and deny a Variance to combine frontages of lots along major streets for calculating display surface area; and a Variance of the maximum display surface area for an Outdoor Advertising Sign to permit 672 square feet for lack of hardship, on property located east of the northeast corner of Skelly Drive and South Harvard Avenue and abutting west of subject property.

BOA-17622 February 25, 1997: The Board of Adjustment approved a Variance to allow a ground sign of 108 square feet and a Variance of the 20 foot maximum allowable height to 30 feet for a grounds sign in an OMH district, per plan submitted; finding the tract is surrounded by CS which permits greater signage and that the new sign will be replacing an existing sign and the height will be the same as the existing sign, on property located at 3355 East Skelly Drive and the subject property.

BOA-12592 June 2, 1993: The Board of Adjustment approved a Variance of the 32 square feet of surface area for business signs to no larger than 100 square feet located on the building and not above the roof line and to return to the Board with the proposed designed sign for approval to permit, on property located on the north side of Skelly Bypass, east of Harvard Avenue and the subject property.

Z-5695 July 1982: All concurred in approval of a request for rezoning a .517± acre tract of land from CS to OMH on property located and the subject property.

BOA-12013 June 24, 1982: The Board of Adjustment approved a Special Exception to permit a motel in an OMH district, per plot plan and drawings submitted and subject to conditions: that this use be limited not only to this corporation but to any future buyer; that only 40 residential units for rent and one resident manager's apartment be allowed; and at no time auxiliary facilities be added or any rooms be converted or rooms be divided to make more units, but will remain as the plans indicate; and that the access points off Skelly Drive be approved by the Traffic Engineer's Office and that a file copy be submitted to the INCOG office; and that the applicant return to the Board concerning proposed signs for the project, on property located on the north side of Skelly Bypass, east of Harvard Avenue and the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .517± acres in size and is located east of northeast corner South Harvard Avenue and East 51st Street. The property appears to be a vacant motel and is zoned OMH.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 51 st Street South	Secondary arterial	100'	4 with some turning lanes
Skelly Drive	N/A	N/A	2 (one-way westbound north of expressway)

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

SURROUNDING AREA: The subject tract is abutted on the east by mixed apartments/commercial/offices, zoned CS, and farther east by duplexes, zoned RS-3; on the north by multifamily residential uses, zoned RM-2, and a small strip of vacant land, zoned CS; on the south by East Skelly Drive/East 51st Street/I-44, zoned RS-2; and on the west by apartments and mixed related uses, zoned CS. Much of this area has been acquired and cleared by ODOT for the widening of the expressway.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-Commercial land use. According to the Zoning Matrix, the requested CS zoning is in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding zoning and land uses, staff can support the proposed rezoning request and recommends **APPROVAL** of CS zoning for Z-7129.

Applicant's Comments:

William D. LaFortune, 1100 Mid-Continent, 74103, stated that he is in agreement with staff's recommendation. Mr. LaFortune cited the zoning history and highlighted a few points regarding this application.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of CS zoning for Z-7129 per staff recommendation.

Legal Description for Z-7129:

Part of the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 28, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: BEGINNING at a point 66.67 feet south of the Northwest corner of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of said Section; thence South 89 55'18" East, 150 feet; thence South 00 03'17" East, 150.00 feet; thence North 89 55'18" West, 150 feet; thence North 00 03'17" West, 150.00 feet to the POINT OF BEGINNING from **OMH (Office Medium-High Intensity District) to CS (Commercial Shopping Center District).**

Commissioners' Comments

Mr. Shivel reported on the Transportation Policy Committee meeting.

There being no further business, the Chair declared the meeting adjourned at 2:20 p.m.

Date Approved: 5.6.09

Michelle Cantrell

Chairman

ATTEST: Joshua G. Walker
Secretary