

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2563**

Wednesday, October 21, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Marshall	Alberty	Boulden, Legal
Carnes	Wright	Feddis	Steele, Sr. Eng.
Dix		Fernandez	Schultz, COT
Leighty		Huntsinger	
Liotta		Matthews	
McArtor		Sansone	
Midget			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 15, 2009 at 1:14 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

**REPORTS:**

**Chairman's Report:**

Ms. Cantrell thanked INCOG for sending the Planning Commissioners to the Oklahoma APA Conference.

**Comprehensive Plan Update Report:**

Ms. Schultz reported on the PLANitULSA updates. Ms. Schultz further reported that there will be another work session with the TMAPC on October 28, 2009 after the regular TMAPC meeting.

**Director's Report:**

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

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**Minutes:**

**Approval of the minutes of September 23, 2009, Meeting No. 2561**

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Cantrell, Carnes, Dix, Leighty, Liotta, McArtor, Midget, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Marshall, Wright “absent”) to **APPROVE** the minutes of the meeting of September 23, 2009, Meeting No. 2561.

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Ms. Cantrell stated that the following items will be removed from the consent agenda: Items 10, 14, 15 and 17.

**CONSENT AGENDA**

2. **LS-20335 – Lloyd Wyzard (1321)/Lot-Split** (County)  
North of the northwest corner of East 86<sup>th</sup> Street North and Quebec Avenue, 4053 East 86<sup>th</sup> Street North
3. **LS-20339 – Daniel Isgrigg (7421)/Lot-Split** (County)  
Northwest corner of East 161<sup>st</sup> Street and South 145<sup>th</sup> Avenue, 14421 East 161<sup>st</sup> Street
4. **LC-210 – Edwin Bonham (9223)/Lot-Split** (PD 9) (CD 2)  
East of South Guthrie Place and south of West 37<sup>th</sup> Place, 608 West 37<sup>th</sup> Place
5. **LC-213 – Jesus Samaniego (0333)/Lot Combination** (PD 3) (CD 3)  
Southwest corner of East Independence Street North and North Oswego, 3918 East Independence Street North
6. **LC-212 – G. Reid & Vinetta Elam (9007)/Lot Combination** (County)  
North of the northwest corner of West 15<sup>th</sup> Street and South 271<sup>st</sup> Avenue West, 1436 & 1414 South 271<sup>st</sup> Avenue West
7. **LS-20336 – Lou Reynolds (9202)/Lot-Split** (PD 1) (CD 4)  
North of East Cameron Street and west of North Boston Avenue, 405 North Main Ave
8. **LS-20342 – Lou Reynolds (0429)/Lot-Split** (PD 16) (CD 6)  
South of East Apache Street and west of North 129<sup>th</sup> East Avenue, 2112 North 129<sup>th</sup> East Avenue
9. **Ogans’ Circle – (0225) Final Plat** (PD 2) (CD 1)  
Southwest corner of North Lansing Avenue and East Virgin Street

**STAFF RECOMMENDATION:**

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

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

11. **Change of Access Request to Rescind –** (2483) (PD 18 C) (CD 8)  
South Town Market, Lot 2

East of South Memorial, north of East 101<sup>st</sup> Street South (Approval granted on 9/23/2009)

12. **Change of Access –** (2483) South Town Market, Lot 2 (PD 18 C) (CD 8)

East of South Memorial, north of East 101<sup>st</sup> Street South (north of northeast corner of East 101<sup>st</sup> Street and South Memorial)

**STAFF RECOMMENDATION:**

This application is made to allow a change of access to move an existing access to the north on Lot 2 of the South Town Market subdivision. An access change had been approved on September 23, 2009, but the developer is requesting that that action be rescinded. The current request for an access change is to move the access to the northernmost corner of the lot along South Memorial Drive. The property is zoned under PUD-411-C/E. The site maps attached show the recent approval as the September 9, 2009 map, and the newest proposal as the September 30, 2009 map.

13. **PUD-660-2 – Sabrina Garnett** (PD-8) (CD-2)

East of the southeast corner of West 71<sup>st</sup> Street South and South Elwood Avenue (Minor Amendment to increase the permitted display surface area for a free-standing ground sign for a tenant directory identification sign and a space for the address of the facility.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the permitted display surface area for a free-standing ground sign to allow for a tenant directory identification sign and a space for the address of the facility.

Sign standards for PUD-660 currently allow one free-standing sign not to exceed 150 square feet (SF) of display surface area not to exceed 25 feet in height. The applicant is seeking to increase the permitted display area to 186 SF and in exchange limit the over-all height of the sign to 19'.

With 210 lineal feet of frontage along West 71<sup>st</sup> Street the underlying CS zoning would permit 420 SF of display area.

It is staff's belief the sign standards as originally approved were to allow for a single-occupancy tenant to be represented on the sign. The owner of the building is now splitting the interior of the building to allow for multi-tenant occupancy.

Since the increase in display area is limited to 36 SF and the height of the sign will be lower profile at 19' rather than 25', staff does not believe this will substantially alter the size, location, number and character of the originally approved signage per Section 1107-12 of the zoning code.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-660-2.

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

16. **AC-093 – Walter Tempinski** (PD-17) (CD-5)

West of the southwest corner of South Garnett Road and the I-44 service road (Skelly Drive) (Alternative Compliance Landscape Plan that will meet or be better than the 15% open space requirement of the PUD and exceed the tree requirements of Chapter 10 of the Zoning Code.)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval of an alternative compliance landscape plan. The plan does not meet the technical requirements of Chapter 10 of the Zoning Code in that the required landscape area around the parking lot is not a minimum of three feet in width as required by Section 1002, B-1. Also, there are no trees planted within this area as required by Section 1002, C-2 of the Zoning Code. The applicant is not seeking a reduction of the number of trees required for the lot, or a reduction in required open space.

Section 1003-D of the Zoning Code allows the planning commission to approve landscape plans that, although not meeting the technical requirements of Chapter 10 of the Zoning Code, are determined to be equivalent to or better than the requirements of Chapter 10.

Since the plan will meet the 15% open space requirement of the PUD and exceed the tree requirements of Chapter 10, staff feels the proposed plan meets or exceeds the technical requirements of Chapter 10. Therefore, staff contends that the proposed landscape plan fulfills the intent of the Landscape Chapter of the Zoning Code as stated in Section 1000.

Staff recommends **APPROVAL** of AC-93 for the above referenced location.

**The Planning Commission considered the consent agenda.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Marshall, Wright "absent") to **APPROVE** the consent agenda Items 2 through 9, Items 11, 12, 13, and 16 per staff recommendation.

\* \* \* \* \*

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

- 10. **Change of Access – (9112) D-Landco Addition, (PD 7) (CD 4)**  
**Lots 1 and 2**

Northeast corner of South Denver Avenue and East 15<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

This application is made to allow a change of access to move existing accesses to the east along East 15<sup>th</sup> Street South. The property is zoned CS.

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-1** (Cantrell, Carnes, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; no "nays"; Dix "abstaining"; Marshall, Wright "absent") to **APPROVE** the change of access for D-Landco Addition, Lots 1 and 2 per staff recommendation.

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- 14. **AC-092 – HRAOK/Dwayne Wilkerson/QuikTrip (PD-7 (CD-4)**

Northeast corner of 15<sup>th</sup> Street and South Denver Avenue (Alternative Compliance Landscape Plan for construction of a new QuikTrip store.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of an alternative compliance landscape plan for construction of a new QuikTrip® (QT) store. There is currently a QT located at this location which will be removed and replaced with a new store.

The proposed plan does not meet the technical requirements of Chapter 10 since two (2) parking spaces in front of the store are not within 50' of a landscaped area. Also, the proposed plan is short three (3) required trees along 15<sup>th</sup> Street, the 15<sup>th</sup> Street yard is not 15% landscaped, and there are two crape myrtle trees proposed for parking lot landscaping at the front of the store.

The two spaces which are not within 50' of a required landscaped area are typical of most QT Stores given the long, rectangular shape of the stores. To compensate the applicant is proposing three extra landscape beds to be located at the northwest, southwest and southeast corners of the site. The landscape beds will be excessively planted with Crimson Pygmy Barberry and Needle Point Holly miniature evergreen trees.

There are two parking area trees being proposed as "Red Rocket" crape myrtles, which do not appear on the Chapter 10 list of approved trees. These trees reach heights in excess of 20' and have flowers at the extremities. Given the over-all height, staff contends the tree is a viable alternative given the aesthetic improvement this will provide to the site over existing conditions.

The applicant is not seeking a waiver for the three missing trees along the 15<sup>th</sup> Street frontage. The three trees are located in the street yard along Carthage Avenue. Staff believes the three trees along Denver Avenue are aesthetically sufficient, with the three extra trees at the rear of the store providing excess screening for the single family dwellings across Carthage Avenue. The Carthage Avenue tree requirement is 4 trees. There will be 15 trees along Carthage Avenue across from the residential development.

While the 15<sup>th</sup> Street yard is 11% landscaped, the Denver, Carthage, and 14<sup>th</sup> Place street yards are landscaped at 21.5%, 26.5% and 19.4% respectively. This makes the average street yard 19.6% landscaped, exceeding the 15% requirement. Actual open space on the lot is 17.9%.

While the proposed plan does not meet the technical requirements of chapter 10 staff feels that by providing the extra planting beds, twelve (12) trees more than are required and exceeding the open space requirement the proposed plan exceeds the technical requirements of Chapter 10. Therefore, staff recommends **APPROVAL** of alternative compliance landscape plan AC-92.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-1** (Cantrell, Carnes, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; no "nays"; Dix "abstaining"; Marshall, Wright "absent") to **APPROVE** the alternative compliance landscape plan for AC-092 per staff recommendation.

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15. **PUD-756-1 – Jake Sutton/QuikTrip** (PD-4) (CD-4)

Northwest corner of South Harvard Avenue and 21<sup>st</sup> Street South (Minor Amendment to modify PUD light standards to reflect the parking area lighting requirements of Section 1303.C of the Zoning Code.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to modify PUD light standards to reflect the parking area lighting requirements of Section 1303-C of the Zoning Code.

**Parking area lighting requirements per Section 1303-C of the Code read:**

Lighting used to illuminate an off-street parking area shall be so arranged as to shield and light away from properties within an R District which do not contain uses for which the parking is being provided. Shielding of such light shall be designed so as to prevent the light producing element of the light fixture from being visible to a person standing in an R District.

**Lighting requirements for PUD-756 are as follows:**

Exterior light standards shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. *Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level.* Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

Staff contends that omission of the phrase, “to a person standing at ground level within an R District” was an oversight.

Please refer to the case map aerial photographs. The site is bordered on the east and south two by arterial streets. The lights in question are the under canopy lights used for lighting the fueling facility. The canopy lights are recessed lighting units; however, the bottom of the light-producing elements (the bulbs) are partially visible to a person standing at ground level along the arterial street boundaries. The under-canopy lights are not visible from any residential area. The applicant contends that in order to fully shield the bottom of the bulbs from a person standing along the arterial streets, the lights might become ineffective in properly lighting the fueling area creating a safety hazard.

Since the site lighting as it exists conforms to Section 1303-C of the Zoning Code, staff recommends **APPROVAL** of minor amendment PUD-756-1 changing the lighting standard to reflect Section 1303-C of the Zoning Code.

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-1** (Cantrell, Carnes, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; no "nays"; Dix "abstaining"; Marshall, Wright "absent") to **APPROVE** the minor amendment for PUD-756-1 per staff recommendation.

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17. **PUD-646-3 – Doug Walker/Truong Residence** (PD-26) (CD-8)

North of the northeast corner of South Sheridan Road and East 109<sup>th</sup> Place South (Minor Amendment to reduce the required rear setback from 35 feet to 20 feet for a small portion of the northeastern corner of the house.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce the required rear setback from 35' to 20' for a small portion of the northeastern corner of the house (see Exhibit A).

Referring to Exhibits A and B this lot is a five-sided lot with a 35-foot setback requirement along the north and the west lot lines. There is a 40' setback requirement along the southeast lot line along 109<sup>th</sup> Place South. There is an 82' overland drainage easement along the entire east lot line. All of which makes the developable area of the lot much smaller than the lot would appear to allow.

Referring to Exhibits B and C, the lot line in question abuts directly to a reserve area owned by the City of Tulsa. This area is reserved for stormwater detention only. A reduction in setback along this lot line would appear to have no effect on any single-family structures.

The proposed layout of the house has received the approval of the Architectural Committee of the Wenmoor Subdivision as the preferred layout.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-646-3.

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



**TMAPC COMMENTS:**

Ms. Cantrell stated that there has been a request for a continuance and asked staff to address the request.

Mr. Sansone stated that the property owner to the north has requested a continuance for one week. Staff was surprised, because staff thought the property to the north was owned by the City of Tulsa.

**Interested Parties Comments:**

**Melissa Herr**, 5555 East 71<sup>st</sup> Street, Suite 7120, 74136, stated that she was representing Ms. Long, who had to be out of town. She reiterated that Ms. Long would like a continuance for one week.

**Applicant's Comments:**

**Doug Walker**, 5521 East 87<sup>th</sup> Street, 74137, stated that he would prefer that there not be a continuance since his client has a construction loan in place and their permit is on hold at this time.

Mr. Walker stated that he met with the owner to the north and she would like to have an understanding that she would be allowed the same relief if she needed it in the future. Mr. Walker indicated that he didn't think Ms. Long was opposed to the request.

**TMAPC COMMENTS:**

Ms. Cantrell asked if there was any problem with the notification or delay of notification since staff thought the property to the north was owned by the City of Tulsa. In response, Mr. Sansone answered negatively.

Mr. Carnes moved to approve the staff recommendation since there was very little reduction being requested and wouldn't serve anything to continue for one week. Mr. Leighty seconded.

Ms. Cantrell reminded the Planning Commission that it has been the Planning Commission's policy to generally grant a continuance when requested either by the applicant or interested party.

Mr. Carnes withdrew his motion. Mr. Leighty withdrew his second.

After a lengthy discussion the Planning Commission determined that they would grant the continuance.

**TMAPC Action; 9 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Marshall, Wright "absent") to **CONTINUE** the minor amendment for PUD-646-3 to October 28, 2009.

18. **PUD-360-B-1 – George O’Connor** (PD-18c) (CD-8)  
7715 East 91<sup>st</sup> Street (Minor Amendment) **(Withdrawn by applicant)**  
(Related to Item 24.)

**STAFF RECOMMENDATION:**

**Withdrawn by Applicant.**

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

**PUBLIC HEARING**

19. **Solow Ranch Phase 1 –** (3334) Preliminary Plat (County)  
East of the southeast corner of North Yale Avenue and East 136<sup>th</sup> Street  
North

**STAFF RECOMMENDATION:**

This plat consists of 23 lots, six blocks, on 23.29 acres.

The following issues were discussed October 1, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE. A fence easement should be considered for a wall or fence near lots abutting major streets.
2. **Streets:** Sidewalk note needed on face of plat.
3. **Sewer:** No comments. Out of Tulsa Service Area. Aerobic systems are planned.
4. **Water:** Rural Water District 3 from Washington County will serve water.
5. **Storm Drainage:** The detention facility in Reserve A will require a stormwater detention easement. The overland drainage areas in Reserves A and B require overland drainage easements. Include D/E in the legend as overland drainage easement. Add standard language for overland drainage easement in a reserve and stormwater detention easement in a reserve. Add standard language for “water, sanitary sewer and storm sewer service” and “lot surface drainage.” For information, the stormwater manuals for the

City of Tulsa will be updated so that easements will need to be added for every two lots for drainage purposes.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** A release letter will be required from the fire district having jurisdiction.

**GIS:** Provide an e-mail address for surveyor and engineer. Submit a subdivision data control sheet. Make legend clear and inclusive.

**County Engineer:** The plat is acceptable. Island medians need to be put in the covenants as having to be maintained by the Homeowners' Association.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Marshall, Wright "absent") to **APPROVE** the preliminary plat for Solow Ranch Phase I, subject to special conditions and standard conditions per staff recommendation.

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Mr. Dix recused himself and left the room at 1:50 p.m.

20. **QuikTrip Corporation** – (9432) Plat Waiver (PD 17) (CD 6)  
Southwest corner of East 51<sup>st</sup> Street and South 129<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

Mrs. Fernandez explained that normally she wouldn't recommend approval of the plat waiver for property that hasn't been platted since 1977. However, everything

on this property is adequate and has been taken care of. There is no reason to plat the subject property at this time.

The platting requirement was found from a property rezoned in 1977. The property is zoned CS.

**Staff provides the following information from TAC at their October 1, 2009 meeting:**

**ZONING:**

TMAPC Staff: The property is defined by adequate existing right-of-way and has adequate existing infrastructure.

**STREETS:**

No comment.

**SEWER:**

A sanitary sewer mainline extension is required to serve the western tract and appropriate easement must be provided to protect the sewer main. Quick Trip has submitted a letter acknowledging that they will fulfill these requirements.

**WATER:**

No comment.

**STORM DRAIN:**

The plat waiver exhibit must show the stormwater detention easement by separate instrument.

**FIRE:**

No objection.

**UTILITIES:**

No comment.

Staff recommends **APPROVAL** of the plat waiver as the property has infrastructure readily available and is defined by existing right-of-way.

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

	<b>Yes</b>	<b>NO</b>
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

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Leighty, Liotta, McArator, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Dix, Marshall, Wright "absent") to **APPROVE** the plat waiver for QuikTrip Corporation per staff recommendation.

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

21. **Jet Port Industrial Park** – (2407) Preliminary Plat (PD 16) (CD 3)  
West of Highway 169, north of West 46<sup>th</sup> Street North (Continued from  
9/16/2009 and 10/7/2009)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 42.6 acres.

The following issues were discussed September 3, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL (industrial light). There was a sketch plat processed in September of 2006 for the property. A sketch plat typically has a Technical Advisory Committee review meeting and then does not proceed to the planning commission unless a specific request is made by the applicant. This sketch plat was put on the planning commission agenda per applicant request, recommended for denial, and then withdrawn from the agenda by the applicant. The staff report on the sketch plat is attached. There are questions about the access to the proposed subdivision plat. There needs to be agreement with the City of Tulsa for the applicant to build or improve a proper roadway access, an agreement with ODOT (Oklahoma Department of Transportation) for their right-of-way to be used for improvements and access, and an agreement as to who will maintain the access road. If ODOT agrees that their right-of-way can be used for an access to the site, then the City may accept maintenance if the road is built to City standards. The City has agreed to do the maintenance. ODOT first needs to approve an agreement. Improvements cannot create a maintenance liability for ODOT. An e-mail detailing ODOT requirements is attached. There is a rectangular indentation of property off the proposed access road that will be included in the subdivision property as shown on the newest copy of the subdivision plat attached.



2. **Streets:** The entire length cannot be designated as access. Department of Transportation right-of-way needs to be clearly dimensioned. Specify right-of-way to be dedicated to whom, City of Tulsa or Oklahoma Department of Transportation? Recommend turnaround dedication be permanent. Standard sidewalk language must be included.
3. **Sewer:** Add a 17.5-foot perimeter easement along the entire north and west boundary line of the plat. If the temporary turn-around easement is approved as shown at the northeast corner of the plat, then the perimeter easement must be moved so it is adjacent to the property line. The acreage shown on the face of the plat does not agree with the acreage given in the written legal description.
4. **Water:** Show the easements for the Spavinaw raw water flow lines along the north boundary line of the site. A plan must be developed, submitted and approved once the development of this plat is initiated. Additional easements may be required at that time. Additional easement will be required for the water main extension line along the roadway frontage of the property. Add covenant language for the restrictive waterline easement. The extension of a water main line across the frontage of the property inside a restrictive easement will be required. The minimum size mainline will be 12 inch ductile iron pipe with fire hydrants properly spaced.
5. **Storm Drainage:** The floodplain must be established by plotting FEMA Base Flood Elevation across the property. This boundary line must be labeled Mingo Creek FEMA AE Floodplain. The Mingo Creek FEMA Floodway must also be shown and labeled. Reserve A for the floodplain/floodway must include an additional 20 feet along and adjacent to the east boundary of the floodplain outside of that boundary. The Reserve must include Overland Drainage Easement in its labeling, and that label should have leaders extending from it to all bounding lines of the easement. The face of plat should not contain contour lines or contour elevation labels. Add "Reserve A" to the title for Section I, subsection 1.8.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Cul-de-sacs shall not exceed seven hundred and fifty (750') feet in length, measured from the centerline of the intersecting streets to the center of the turn-around. Cul-de-sacs shall have a turn-around radius of not less than thirty-eight (38') of paving, utilizing a rolled curb section wherever possible, and a radius of fifty (50') feet of right-of-way at the property line. Cul-de-sacs greater than two hundred and fifty (250') feet in length shall have a turn-around radius of not less than forty (40') feet of paving and a radius of fifty-two (52') feet of right-of-way at the property line. Cul-de-sacs greater than five hundred (500') feet in length and with abutting

front yards for more than twenty (20) lots shall have a turn-around radius of not less than forty-eight (48') feet of paving and a radius of sixty (60') feet of right-of-way at the property line. For a cul-de-sac with a rolled curb section the turnaround radius may be measured to the back of the curb. Alternative turnarounds may be a one hundred and twenty (120') foot hammerhead or a sixty foot (60') "Y". The cul-de-sac shall meet subdivision regulations for proper radius requirements.

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Provide Fire Hydrants with water flow and spacing requirements as required per Appendixes B&C of the 2006 International Fire Code. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1.) For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2.) For buildings equipped throughout with an approved automatic sprinkler system the distance requirement shall be 600 feet. No conceptual building lay out was provided. Internal water main extensions and fire hydrants may be required once the building layout is determined. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exception: The fire code official is authorized to increase the dimension of 150 feet where: 1.] The building is equipped throughout with an approved automatic sprinkler system. 2.] Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. 3.] There are not more than two Group R-3 or Group U occupancies. Once the building layout is determined additional internal fire department access roads may be required.

The Fire Marshal's office can agree to the over length cul-de-sac as long as the developer agrees that any buildings proposed must meet size limit requirements for the buildings and sprinkler requirements before building permits will be approved.

**GIS:** Add an e-mail address for the surveyor. Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat. Label the point of commencement and the point of beginning. On the location map, show Crane Carrier Industrial Addition (plat 3318), Braden Steel Center (plat 2786), North Mingo Addition (plat 2407) and any other platted parcels. Submit a subdivision control data form (Appendix D); last page of the subdivision regulations, in which the first point shall be the point of beginning with two other points on or near the plats' boundary. Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat.

**Airport:** The concerns of the airport staff must be taken care of to their satisfaction. An e-mail attached shows these recommendations.

Staff can recommend **APPROVAL** of the Preliminary Subdivision plat at this time. Issues about access, signage, water supply, sidewalks and the over-length cul-de-sac, have been worked on with Planning, Development Services, Public Works, Airport, and ODOT (Oklahoma Department of Transportation) staff and clarified. Approval should be subject to the TAC comments and the special and standard conditions listed below.

**Waivers of Subdivision Regulations:**

1. A waiver to the length of the cul-de-sac is necessary. Staff can recommend approval of the waiver per the Fire Marshals' requirements due to the topographic challenges to the north of the site.

**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:**

Mrs. Fernandez demonstrated the location of the cul-de-sac and access points. The City of Tulsa has agreed to maintain the road even though it belongs to ODOT. There have been three meetings regarding this application and staff feels comfortable recommending approval.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Marshall, Wright "absent") to **APPROVE** the preliminary plat for Jet Port Industrial Park and approve the waiver of the length of the cul-de-sac, subject to special conditions and standard conditions per staff recommendation.

22. **Z-7143 – Tanner Consulting**

**RS-3 to CS**

North of northwest corner of West 51<sup>st</sup> Street and South  
33<sup>rd</sup> West Avenue

(PD-9) (CD-2)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11821 dated June 26, 1970,  
established zoning for the subject property.

**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 on the southeast corner of South 33<sup>rd</sup> West Avenue and West Skelly Drive.

**Z-7073 September 2007:** All concurred in approval of rezoning a 2± acre from RS-2 to CS for a financial services and commercial shopping center on property located on the southeast corner of South 33<sup>rd</sup> West Avenue and West Skelly Drive.

**Z-6456 August 1994:** All concurred in denial of a request for rezoning a 1± acre tract of land from RS-3 to PK for parking, on property located north of northwest corner West 51<sup>st</sup> Street & South 34<sup>th</sup> West Avenue.

**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 northwest corner of South 33<sup>rd</sup> West Avenue and West 51<sup>st</sup> Street and abutting south subject property.

**BOA-16180 November 10, 1992:** The Board of Adjustment approved a Variance of the required setback from the centerline of South 33<sup>rd</sup> West Avenue from 100 feet to 75 feet to permit an addition to an existing Braum's store and to approve a Variance to permit required off-street parking within the Major Street and Highway Plan, per plan submitted and subject to the execution of a license agreement based on the shape of the lot and present building location finding the us, on property located at the northwest corner of 33<sup>rd</sup> West Avenue and West 51<sup>st</sup> Street and abutting the subject property to the south.

**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 on the southwest corner of South 33<sup>rd</sup> West Avenue and West Skelly Drive.

**BOA-15350 January 18, 1990:** The Board of Adjustment approved a Variance of the required 50 foot setback to 42 feet to permit an existing sign and to approve it per plot plan submitted; finding that the sign visibility is obstructed by large trees to the north and a Phillips sign to the south, and finding that there are other signs along 33<sup>rd</sup> West Avenue that are as close to the street as the sign in

question, on property located at the northwest corner of West 51<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue and abutting the subject property to the south.

**Z-6018 March 1985:** All concurred in approval of a request for rezoning a tract of land from RS-3 to CS on property located on the southeast corner of West 51<sup>st</sup> Street and South 33<sup>rd</sup> West Avenue.

**Z-5741 November 1982:** All concurred in approval of a request for rezoning a tract of land from RS-3/CS to CS on property located north of northwest corner of West 51<sup>st</sup> Street and South 33<sup>rd</sup> Avenue West.

**Z-5531 June 1981:** Staff recommended for denial, however TMAPC and City Council concurred in approval of a request for rezoning a tract of land, being all of Block 4, Carbondale Addition, from RS-3 to CS on property located on the northeast corner of West 51<sup>st</sup> Street and South 33<sup>rd</sup> West Avenue and abutting east across South 33<sup>rd</sup> West Avenue from subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 14,000± square feet in size and is located Northwest corner of West 51<sup>st</sup> Street and South 33<sup>rd</sup> West Avenue. The property appears to be residentially used and is zoned RS-3.

**STREETS:**

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South 33 <sup>rd</sup> West Avenue	Urban arterial	70'	4

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

**SURROUNDING AREA:** The subject tract is abutted on the east by a strip office/commercial center and single-family residential uses, zoned CS; on the north by single-family residential uses, zoned RS-3; on the south by office/commercial uses, zoned CS; and on the west by single-family residential uses, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 9 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity - No Specific land use. According to the Zoning Matrix, the requested CS zoning is in accord with the Plan.

**STAFF RECOMMENDATION:**

This site is within a few miles of the rapidly developing Tulsa Hills area, one of mixed commercial and office uses. This property does not lie within a designated node, as specified in the Metropolitan Development Guidelines. It is also surrounded on two sides by RS-3 zoned property. Although designated Medium

Intensity and CS-zoned property is located to the east across the street from this site, it still appears to be in single-family residential use. Staff understands that the CS zoning granted on the east side of South 33<sup>rd</sup> West Avenue across the street from subject property was granted for a proposed development that did not materialize. Staff therefore cannot support the requested rezoning and recommends **DENIAL** of CS zoning for Z-7143. However, staff could support **APPROVAL** of either OL or PK zoning in the alternative.

**TMAPC COMMENTS:**

Mr. Leighty asked how the neighborhood would be rezoned. Ms. Matthews explained that the Planning Commission could, and has done in the past, initiated rezoning. There would have to be meetings with the neighborhood. Mr. Leighty stated that if this application is denied, then he believes that the Planning Commission should proceed with the rezoning of the neighborhood.

Mr. McArtor asked if the OL or PK zoning would permit the applicant to achieve his goal. Ms. Matthews stated that it would allow them to do office or parking. Ms. Matthews further stated that she believes the applicant wants to expand their building and he could probably provide more detail.

**Applicant's Comments:**

**Ricky Jones**, Tanner Consultants, 5323 South Lewis, 74105, stated that he is not in agreement with the staff recommendation. His client would like to either tear down the existing building and build a new store with the Market Fresh Grocery portion of it or expand the existing building. The property to the south is currently zoned CS. He explained that his client was approached by the property owners of the subject property to purchase it.

Mr. Jones stated that after looking at the Comprehensive Plan and by having CS on two sides and single-family on two sides of the subject property, he thought he had a good chance of achieving the CS zoning. He has received two phone calls from interested parties and they weren't opposed to it, but did have some questions. There is no one present today to protest the application either. He understands where the staff is coming from and he agrees that CS should not encroach into a stable neighborhood. In this instance, based on the Comprehensive Plan, commercial goes to the north and he would have a problem with this request if he were skipping a property and leaving a residential piece in between. This is an orderly transition of commercial zoning.

Mr. Jones stated that he met with staff to discuss this application and discuss the possibility of filing a PUD. This doesn't fall within the purposes of the PUD. Mr. Jones submitted a conceptual site plan (Exhibit A-1). He reminded the Planning Commission that he is requesting straight zoning and can't be held to the conceptual site plan. He explained that the straight CS zoning is necessary in order to build the store. His office contacted the Building Inspector's office and asked if the island and menu boards would be allowed in PK zoning and they



answered negatively. His staff doesn't feel that this would meet the OL standards for signage due to the menu board and he doesn't have a hardship that he could present to the BOA to get a variance for the menu board. Mr. Jones concluded that he believes straight CS zoning is appropriate and it is in accordance with the Comprehensive Plan. He doesn't believe the proposal will be an intrusion into the residential neighborhood. Mr. Jones pointed out the proposed landscaping and an eight-foot masonry wall that his client is proposing for the site. It is not a requirement and his client can't be held to the proposed fence and landscaping. Braum's requested that he show the conceptual plan today.

**TMAPC COMMENTS:**

Mr. Walker asked Ms. Matthews if staff considered approval at all for this application. In response, Ms. Matthews stated that staff did discuss it. The stable neighborhood across the street is a factor and whether or not to rezone the neighborhood to prevent CS encroaching.

Mr. Jones stated that he met with staff after the recommendation came out with denial. He recommended that if the Planning Commission is inclined to modify anything, it should be the Comprehensive Plan to draw a line of where the CS has to stop and not allow it to go farther north.

Ms. Cantrell proposed rezoning a portion of the northern subject property as OL and that would draw the line and create a buffer. This would allow the sign to be in the location where needed, but allow for a transition for a lower use and discourage strip development to the north. Mr. Jones stated that he discussed that with staff and he believes that is fair and equitable resolution. Because this is a conceptual site plan he doesn't know how much room he will need and he requested a ten foot of OL zoning strip. This would give him plenty of room to move the access and place signage where needed.

Mr. Leighty stated that he is surprised that there are no homeowners from across the street present today or protested. Mr. Leighty asked Mr. Jones if he contacted the neighbors. Mr. Jones stated that he tried to contact neighbors and have been unsuccessful in contacting them. He is relying on the two phone calls that he received and he believes staff received the same two phone calls. Ms. Matthews confirmed that she received four to five phone calls. Mr. Jones stated that the phone calls he received were not opposed to the application, but did have some questions, which he addressed. Mr. Jones further stated that the homes appear to be rental properties because the tax bills are being mailed to another address. Braum's has been a good neighbor and they have every intention to remain on the subject property.

Mr. Liotta questioned the placement of the dumpster on the north side. He asked Mr. Jones if there would be another location for that dumpster or if this is a standard Braum's model that is difficult to deviate from. Mr. Jones stated that it

is a standard model and they considered relocating it on the back west property line, but either way, it would be abutting residential. Mr. Jones explained that he has added an additional setback and put additional landscaping around the dumpster. Mr. Liotta asked if the dumpster could be put against the north side of the building. In response, Mr. Jones stated that on the north side is the drive lane and stacking distance for the drive-through. Braum's does a very good job of screening the dumpster and they have front-loading type dump trucks. It would be difficult to place it somewhere else on the subject property and make it work.

Mr. Dix stated the current location of the dumpster would be difficult for a front-loading dumpster. Mr. Dix commented that he would be opposed to the dumpster location because it is inaccessible to a truck because of the island on the other side of the drive and because there is a site line distance to the north and to the south bound traffic. If the site plan comes before the Planning Commission, he would be opposed to that location. He doesn't like split zonings and he would support the CS zoning as a whole. If the use is warranted, then let it be the same zoning. Mr. Jones stated that he will take another look at the dumpster and try to find a better location. He further stated that he didn't want to show the site plan because he was afraid the debate would go to site plan issues and he would like to remind the Planning Commission that this is a straight zoning application and can't be held to the conceptual site plan. Mr. Jones commented that he doesn't like split zonings either, but he thought it was a compromise. He would prefer CS zoning for the entire property, but he would accept whatever the Planning Commission decides.

Mr. Boulden asked Mr. Jones where the menu board with speakers would be located and how close to the neighbors would it be. The plan looks as if the sound would be going toward the residential area. Mr. Jones stated that the speaker is 32 feet, plus eighteen feet to the north property line (50 feet). There is a ten-foot landscape buffer on the north side of the subject property. If the speakers become a nuisance, the residents have remedies through the nuisance ordinance. There are speakers present now and the two lots under application are currently being used for residential. They haven't been a problem in the past and hopefully will not be in the future.

Ms. Cantrell asked if a dumpster could be placed in an OL district. In response, Mr. Boulden answered affirmatively.

Ms. Cantrell asked staff how they felt about the OL or PK strip of zoning to the north. In response, Ms. Matthews stated that staff would look at it as something that would be mutually acceptable. The Comprehensive Plan should be addressed for the subject area.

Mr. Jones stated that he proposes a lot-combination to tie them together so that the property couldn't be split or sold without coming back before the Planning Commission for a lot-split. This would be one more additional safeguard.

Mr. McArtor asked if there is a lot-combination in front of the Planning Commission today for the subject property. In response, Mr. Jones answered negatively.

In response to Mr McArtor, Ms. Matthews reiterated that the subject property does have CS zoning around it, but it is not being used as CS. The subject property would look into existing single-family residential uses. Although these properties are zoned CS, it has never been used as CS and the CS development never got off the ground. It appears that the neighborhood is stable and possibly the Comprehensive Plan should be revisited to look at the plan and rethink the west side.

Mr. Jones stated that it is difficult to convince property owners to downzone their property from CS to RS-3. A Comprehensive Plan amendment should be done first.

Mr. Leighty stated that he would support the application because it represents an orderly transition and based on the other Planning Commissioners' thoughts, he could go either way regarding the ten-foot strip of OL or PK to the north. There is no one from the neighborhood present to protest this application and he doesn't see why the Planning Commission should hold it up.

Mr. McArtor stated that if he lived in the neighborhood he wouldn't be opposed to this application because it is Braum's and it will be a Braum's and grocery store. This would be within walking distance for the residents and who would object to that? He is not surprised that there are no interested parties present to protest. He is likely to vote for this application simply because there are no protestants and he doesn't know if that it a good planning decision since the property could be sold. From a strict zoning standpoint he understands staff's recommendation.

Mr. Dix stated that Braum's has a history of buying land and holding it. He would question if they are going to build this store in this decade. He would anticipate that this would not be for the purpose of resale ever.

Ms. Cantrell stated that she is inclined to support at least part of this as CS zoning because it is in compliance with the Comprehensive Plan and while there are some single-family homes there are also some heavier uses at the corner. An expansion of Braum's is not as much of a problem; however, she is not inclined to support it unless there is a ten-foot buffer of OL zoning on the north side. This would protect the neighborhood since there is no PUD being filed. A strip of office zoning would hold the line of CS development.

Mr. Carnes stated that he could support this application. The west side didn't have water for many years and now they finally have water and he can see the west side coming back. Mr. Carnes stated that he could support CS with the OL buffer or straight CS.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **8-1-0** (Cantrell, Carnes, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; Dix "nay"; none "abstaining"; Marshall, Wright "absent") to recommend **APPROVAL** of the CS zoning for Z-7143, subject to ten feet of OL zoning on the northern boundary as modified by the Planning Commission.

**Legal Description for Z-7143:**

**OL Zoning:** A TRACT OF LAND THAT IS PART OF LOT SEVEN (7), BLOCK EIGHT (8), "CARBONDALE THIRD ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 825, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 10 FEET OF LOT 7, BLOCK 8, "CARBONDALE THIRD ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

**CS Zoning:** A TRACT OF LAND THAT IS PART OF BLOCK EIGHT (8), "CARBONDALE THIRD ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 825, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOTS SEVEN (7) AND EIGHT (8), BLOCK 8 OF SAID CARBONDALE THIRD ADDITION; LESS AND EXCEPT THE NORTH TEN (10) FEET OF LOT 7, BLOCK 8 OF SAID CARBONDALE THIRD ADDITION.

\* \* \* \* \*

23. **Z-7141 – City of Tulsa/Mary Kell** **RS-3 to IL**  
North of northeast corner of East 36<sup>th</sup> Street North and (PD-16) (CD-3)  
North Harvard Avenue (**Withdrawn by applicant**)

**STAFF RECOMMENDATION:**

**Withdrawn by the applicant.**

\* \* \* \* \*

**Mr. Carnes out at 2:29 p.m.**

**OTHER BUSINESS:**

24. **Refund Request/PUD-360-B-1 – George O'Connor** (PD-18c) (CD-8)  
7715 East 91<sup>st</sup> Street (Applicant is requesting a refund for withdrawn  
minor amendment) (Related to Item 18.)

**STAFF RECOMMENDATION:**

Mr. Sansone stated that the applicant withdrew this application after the work was completed by staff and noticing had been made. Staff was prepared to present the case today and was notified by the applicant a few days earlier indicating that they wouldn't need the minor amendment. Mr. Sansone stated that staff is recommending a \$100.00 refund.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, McArtor, Midget, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Marshall, Wright "absent") to **APPROVE** the refund request for PUD-360-B-1 of \$100.00 per staff recommendation.

\* \* \* \* \*

**Commissioners' Comments**

Ms. Cantrell stated that everyone should have received a letter regarding the latrines. If anyone has a comment or suggestion, please let her know.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 2:31 p.m.

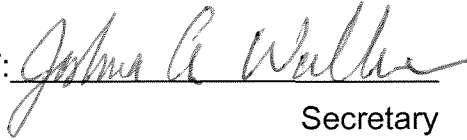
Date Approved:

11-4-09



Chairman

ATTEST:



Secretary