

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2616**

Wednesday, December 21, 2011, 1:30 p.m.

City Council Chamber

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>
Carnes	Cantrell	Alberty	Edmiston, Legal
Dix	Shivel	Bates	Steele, Sr. Eng.
Edwards		Fernandez	
Leighty		Huntsinger	
Liotta		Matthews	
Midget		Sansone	
Perkins			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 15, 2011 at 1:40 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 Leighty, called the meeting to order at 1:30 p.m.

**REPORTS:**

**Chairman's Report:**

Mr. Leighty reported on the slate for the TMAPC 2012 Officers. Election will be held January 4, 2012.

**Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas. Mr. Alberty further reported on the TMAPC receipts for the month of November 2011.

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Mr. Midget in at 1:32 p.m.

**Minutes:**

**Approval of the minutes of December 7, 2011, Meeting No. 2615**

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker “aye”; no “nays”; none “abstaining”; Cantrell, Shivel “absent”) to **APPROVE** the minutes of the meeting of December 7, 2011, Meeting No. 2615.

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**AGENDA:**

**CONSENT AGENDA:**

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

2. **LC-371-** (Lot-Combination) (CD-4), Location: East of the southeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street South
3. **LS-20483-** (Lot-Split) (CD-2), Location: Northeast corner of West 78<sup>th</sup> Street South and South 30<sup>th</sup> West Avenue (Related to LC-372, Item 4)
4. **LC-372-** (Lot-Combination) (CD-2), Location: Northwest corner of West 78<sup>th</sup> Street South and South 28<sup>th</sup> West Avenue (Related to LS-20483, Item 3)
5. **LS-20379-** (Lot-Split) (CD-9), Location: East of the northeast corner of South Wheeling Avenue and East 45<sup>th</sup> Place (Related to LC-257, Item 6)
6. **LC-257** (Lot-Combination) (CD-9), Location: East of the northeast corner of South Wheeling Avenue and East 45<sup>th</sup> Place (Related to LS-20379, Item 5)
7. **Hudson Villa –** Final Plat, Location: North of East 11<sup>th</sup> Street, between South Joplin Avenue and South Hudson Avenue (CD 4)
8. **Sheridan Medical Park -** Final Plat, Location: 6371 East 67<sup>th</sup> Place South, northwest corner of East 67<sup>th</sup> Place South and South Sheridan Road (CD 9)
9. **PUD-696-B-2 – Malek Elkhoury/Patriot Bank**, Location: South of the southwest corner of 91<sup>st</sup> Street South and South Delaware Avenue, Requesting a **Minor Amendment** to reduce the required setback from the centerline of Delaware Avenue from 135 feet to 115 feet to allow for construction of a bank, **OL/CS**, (CD-2)

10. **PUD-559-A-8 – Joseph Neely/Southcrest Hospital**, Location: North of the northeast corner of 91<sup>st</sup> Street South and South 101<sup>st</sup> East Avenue, Requesting a **Minor Amendment** to reduce a 55-foot setback to 48.7 feet, a distance of 6.5 feet to reflect as built conditions, **CO**, (CD-8)
11. **PUD-266-4 – Ed Johnson/Brittany Square Apts.**, Location: West of the southwest corner of East 51<sup>st</sup> Street South and South Harvard Avenue, Requesting a **Minor Amendment** to increase the permitted height of an apartment identification sign to 12 feet, **RM-1/RM-2**, (CD-9)
12. **AC-111 – James Schellhorn/Epicenter**, Location: South of the southeast corner of East 15<sup>th</sup> Street South and South Atlanta Avenue, Requesting a **Landscaping Alternative Compliance** to allow required street yard landscaping to be placed in the street right-of-way, **OL** (CD-4)

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

**PUBLIC HEARINGS:**

13. **PUD-397-B-1 – Andrew A. Shank/61 MM LTD**, Location: Southwest corner of East 61<sup>st</sup> Street and South 91<sup>st</sup> East Avenue, Requesting **Minor Amendment**, (CD-7) (**Applicant has requested a continuance to January 18, 2012.**)
14. **Change of Access – Lot 1, Block 1, Holliday Hills Center -** Location: West of northwest corner of East 61<sup>st</sup> Street South and South Yale Avenue, Lot 1, Block 1, Holliday Hills Center, (CD 9) (continued from December 7, 2011 meeting)
15. **Z-7185/PUD-789 -** Plat Waiver, Location: 1326 East 37<sup>th</sup> Street, Lot 4, Block 2, Lee Dell Subdivision (CD 9)
16. **Zanmai –** Minor Subdivision Plat, Location: Northwest corner of East 14<sup>th</sup> Place South and South Peoria Avenue (CD 4)
17. **Z-7189 – Ryan Coulter**, Location: Northeast corner of North Osage Drive and West Apache Street, Requesting rezoning from **CS to IM**, (CD-1)

**OTHER BUSINESS**

18. **Commissioners' Comments**

**ADJOURN**

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## MINUTES:

Mr. Midget out at 1:37 p.m.

### CONSENT AGENDA

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

2. **LC-371-** (Lot-Combination) (CD-4), Location: East of the southeast corner of South Peoria Avenue and East 2<sup>nd</sup> Street South
3. **LS-20483-** (Lot-Split) (CD-2), Location: Northeast corner of West 78<sup>th</sup> Street South and South 30<sup>th</sup> West Avenue (Related to LC-372, Item 4)
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5. **LS-20379-** (Lot-Split) (CD-9), Location: East of the northeast corner of South Wheeling Avenue and East 45<sup>th</sup> Place (Related to LC-257, Item 6)
6. **LC-257** (Lot-Combination) (CD-9), Location: East of the northeast corner of South Wheeling Avenue and East 45<sup>th</sup> Place (Related to LS-20379, Item 5)
7. **Hudson Villa –** Final Plat, Location: North of East 11<sup>th</sup> Street, between South Joplin Avenue and South Hudson Avenue (CD 4)

#### **STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 6.1 acres.

Staff has received release letters for this plat and can recommend **APPROVAL** of the final plat.

8. **Sheridan Medical Park -** Final Plat, Location: 6371 East 67<sup>th</sup> Place South, northwest corner of East 67<sup>th</sup> Place South and South Sheridan Road (CD 9)

#### **STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 1.18 acres.

Staff has received release letters for this plat and can recommend **APPROVAL** of the final plat.

10. **PUD-559-A-8 – Joseph Neely/Southcrest Hospital**, Location: North of the northeast corner of 91<sup>st</sup> Street South and South 101<sup>st</sup> East Avenue, Requesting a **Minor Amendment** to reduce a 55-foot setback to 48.7 feet, a distance of 6.5 feet to reflect as built conditions, **CO**, (CD-8)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce a 55-foot setback to 48 feet 7 inches, a distance of six feet five inches to reflect as built conditions. The encroachment is for a very small corner on the southwest portion of the existing building as indicated on the attached exhibits.

The 6-foot 5-inch encroachment was discovered during an Alta Survey that was being performed prior to the conveyance of the property. There are no residentially zoned or residentially used properties that could be affected by the setback reduction. The hospital was constructed from 1997 to 1999.

Staff believes a six-foot five-inch reduction in setback for such a small portion of the building will have negligible impact and will not substantially alter the approved Development Plan, the approved PUD standards or the character of the development.

Therefore staff recommends **APPROVAL** of minor amendment PUD-559-A-8.

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

11. **PUD-266-4 – Ed Johnson/Brittany Square Apts.**, Location: West of the southwest corner of East 51<sup>st</sup> Street South and South Harvard Avenue, Requesting a **Minor Amendment** to increase the permitted height of an apartment identification sign to 12 feet, **RM-1/RM-2**, (CD-9)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the permitted height of an apartment identification sign to 12 feet. Referring to the attached aerial photograph, the apartment property is located west of Harvard Avenue, behind an office building and mini-storage facility on the south side of 51<sup>st</sup> Street immediately adjacent to the I-44 widening project.

Since the property was developed with the apartments behind the office building and mini-storage, PUD-266 allows two free-standing signs on the office property, one sign to identify the office building and one for the apartments. The signs are permitted to be five feet in height with 32 square feet of display area each and must be separated by a minimum of

100 feet. The underlying RM zoning would permit a sign up to 20 feet in height.

With the widening of I-44 and the extension of the I-44 right-of-way (ROW) line to the north side of 51<sup>st</sup> Street the ownership of the apartments is seeking better exposure for the apartments to both 51<sup>st</sup> Street and I-44. Historically, there has been an identification problem with the apartments given the location of the complex off the street with access provided via mutual access easement through another lot. Please refer to the attached case photographs for as view of the 51<sup>st</sup> Street corridor.

Staff believes the increase in sign height will not substantially alter the size, location, number, and character (type) of the signs permitted in the PUD. Provided the underlying zoning would permit a sign up to 20 feet in height, the apartment complex location behind existing development and the property location along 51<sup>st</sup> Street/I-44 staff can support the request.

Staff recommends **APPROVAL** of minor amendment PUD-266-4.

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

12. **AC-111 – James Schellhorn/Epicenter**, Location: South of the southeast corner of East 15<sup>th</sup> Street South and South Atlanta Avenue, Requesting a **Landscaping Alternative Compliance** to allow required street yard landscaping to be placed in the street right-of-way, **OL** (CD-4)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval of an alternative compliance landscape plan to allow required street yard landscaping to be placed in the street right-of-way (ROW) as depicted on the attached plan. The property appears to be a lot that was formerly zoned RS-3 and was rezoned to OL to provide a buffer between the commercial properties on 15<sup>th</sup> Street and the residential single-family neighborhood to the south. For an OL zoned lot it is on the small side at 50 feet wide (along Atlanta Avenue) by 140 feet deep (7,000 square feet). As far as staff was able to discover, there are no plans to widen Atlanta Avenue.

There are no minimum lot sizes in the office district; however, the OL district does require a minimum of 75 feet of frontage along the street. The lot is therefore a lawfully existing, non-conforming lot as to lot width.

Driving the need for an Alternative Compliance Landscape Plan is the conversion of this lot into a principal use parking lot for the lot identified on the attached sheet LP 102 as “Tract B”. Tract B is the building which sits between the Brothers Hooligan building on the southeast corner of Atlanta

Avenue and 15<sup>th</sup> Street and the former McKee's Sewing Machine Repair located on the southwest corner of Atlanta Place and 15<sup>th</sup> Street (see attached aerial photograph from associated Board of Adjustment case). Tract B has a structure which occupies the entirety of the parcel lot area and has no available place to provide parking.

In order to redevelop Tract B as a mixed use building the applicant has applied to the Board of Adjustment (BOA) for a parking variance to reduce the required parking for Tract B to zero (0). At the BOA hearing it was discovered that the applicant owned the subject tract of this application and intended to use it as a parking lot for Tract B. The neighborhood association (McDonnell's/Fifteenth Street Addition) opposed the parking variance in favor of providing as much parking as possible on the tract subject of this application. The opposition to the parking variance was fueled by the existing parking problems along Atlanta Avenue that appear to result from under-parked commercial development along 15<sup>th</sup> Street. The request before the BOA also includes reducing the parking lot setback from Atlanta Avenue to zero feet and a waiver of the five-foot wide landscape strip required along the south boundary of the site in an effort to provide as much on-site parking as possible.

With Alternative Compliance Landscaping, the applicant will be able to provide an additional four (4) parking spaces, bringing the total number of spaces provided to 18. The applicant also proposes to plant an extra tree and use extra planting beds and raised beds landscaped with shrubs and flowers to help beautify the site (see attached renderings).

Staff contends that this proposal is the best possible given the neighborhood and BOA wishes to have as much parking provided on the site as possible. The BOA and TMAPC action should allow for the redevelopment of a long-vacant building, while at the same not exacerbating an existing parking encroachment into the surrounding neighborhood. Staff is recommending **APPROVAL** of AC-111.

**TMAPC COMMENTS:**

Mr. Leighty indicated that Item 9 will be pulled from the consent agenda.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Midget, Shivel "absent") to **APPROVE** the consent

agenda Items 2 through 8 and Items 10 through 12 per staff recommendation.

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

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

9. **PUD-696-B-2 – Malek Elkhoury/Patriot Bank**, Location: South of the southwest corner of 91<sup>st</sup> Street South and South Delaware Avenue, Requesting a **Minor Amendment** to reduce the required setback from the centerline of Delaware Avenue from 135 feet to 115 feet to allow for construction of a bank, **OL/CS**, (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce the required setback from the centerline of Delaware Avenue from 135-feet to 115-feet to allow for the construction of a bank. Please refer to the attached site plan and plat of the property.

Approved in 2004, PUD-696 was proposed as a retail center with a single, multi-tenant strip center near the western boarder of the site with two out parcels located along Delaware Avenue. Research completed by staff indicates the 135-foot setback from the centerline of Delaware Avenue was established to accommodate the varying right-of-way dedication required for Delaware Avenue (see attached plat) and to support typical suburban-style strip development (see attached original concept plan for PUD-696).

The PUD was amended in 2011 to allow for the construction of a 126-unit apartment complex on the western 1/3 of the site. The remainder of the site is to be developed as four individual out-parcels allowing a variety of retail, restaurant and office uses (please see attached conceptual site plan for PUD-696-B).

The proposal, the subject of this application, is the construction of a bank with a four-lane drive-through facility on the rear of the building. The lot in question is 218 feet deep off Delaware Avenue. With an 85-foot setback requirement from the lot-line along Delaware Avenue (135-feet from the centerline) the developable area of the lot then becomes approximately 130 feet deep, which would not accommodate the bank and the drive-through facility.

Moving the building closer to the road and providing direct pedestrian connection from the front of the building to the sidewalk along Delaware



Avenue is more in accord with the development guidelines for pedestrian friendly development as envisioned by the Comprehensive Plan.

Staff contends the setback reduction will not substantially alter the approved Development Plan, the approved PUD standards or the character of the development. Therefore staff recommends **APPROVAL** of minor amendment PUD-696-B-2.

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

**TMAPC COMMENTS:**

Mr. Dix had questions regarding the setback. Mr. Sansone and Mr. Elkhoury explained the reasons and thought process for the requested setback.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **EDWARDS**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Shivel "absent") to **APPROVE** the minor amendment for PUD-696-B-2 per staff recommendation.

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**PUBLIC HEARING**

- 13. **PUD-397-B-1 – Andrew A. Shank/61 MM LTD**, Location: Southwest corner of East 61<sup>st</sup> Street and South 91<sup>st</sup> East Avenue, Requesting **Minor Amendment**, (CD-7) (**Applicant has requested a continuance to January 18, 2012.**)

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Shivel "absent") to **CONTINUE** the minor amendment for PUD-397-B-1 to January 18, 2012.

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14. **Change of Access – Lot 1, Block 1, Holliday Hills Center** - Location: West of northwest corner of East 61<sup>st</sup> Street South and South Yale Avenue, Lot 1, Block 1, Holliday Hills Center, (CD 9) (continued from December 7, 2011 meeting)

**STAFF RECOMMENDATION:**

This application is made to allow a change of access to add an additional access and shift existing access along South Urbana Avenue. The property is zoned OMH (Office Medium-High).

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

**TMAPC COMMENTS:**

Mr. Perkins asked the applicant to consider moving the trash pickup area an additional 15' or 20' to the south to keep the lights from the trash service glaring into homes. The applicant indicated that he would pass that suggestion on to the developer.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **PERKINS**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Shivel "absent") to **APPROVE** the change of access on Lot 1, Block 1, Holliday Hills Center per staff recommendation.

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15. **Z-7185/PUD-789** - Plat Waiver, Location: 1326 East 37<sup>th</sup> Street, Lot 4, Block 2, Lee Dell Subdivision (CD 9)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a rezoning for a parking lot.

**Staff provides the following information from TAC for their December 1, 2011 meeting:**

**ZONING:**

TMAPC Staff: The property has been platted previously.

**STREETS:**

No comment.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORMWATER:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

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

***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:***

	<b>YES</b>	<b>NO</b>
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:	YES	NO
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X

- iii Are additional easements required? X
  - c) Storm Sewer
    - i. Is a P.F.P.I. required? X
    - ii. Is an Overland Drainage Easement required? X
    - iii. Is on site detention required? X
    - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.? X
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? X
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Shivel "absent") to **APPROVE** the plat waiver for Z-7185/PUD-789 per staff recommendation.

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- 16. **Zanmai** – Minor Subdivision Plat, Location: Northwest corner of East 14<sup>th</sup> Place South and South Peoria Avenue (CD 4)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block on 1.1 acres.

The following issues were discussed December 1, 2011, at the Technical Advisory Committee (TAC) meetings:

- 1. **Zoning:** The property is zoned PK (parking) and CH (commercial heavy).

2. **Streets:** No comment.
3. **Sewer:** An additional 11-foot utility easement is required along the west boundary line of the plat where it is adjacent to Lots 1, 2, and 3, Block 3 of Maplewood on Cherry Street. This easement must also be extended to the north until it intersects the east/west utility easement. In the area north of the north property line of Lot 3, Block 3 of Maplewood on Cherry Street, the 11-foot utility easement should be combined with the utility easement of unknown width, that is shown to be dedicated by the Zanmai plat. Your conceptual plan shows an existing sanitary sewer pipe located nearly under the west boundary line of your plat. Due to the depth of the pipe, and the proximity of the pipe to your property line, you will be required to dedicate additional easement by this plat.
4. **Water:** No comment.
5. **Storm Drainage:** A distance must be added for the north leg of the north utility easement due to the sliver of land on the east property line that is not included (the south line of the easement will not be the same length as the north). Section I.C.2: the first sentence should include sanitary sewer easements and stormwater detention easement. Add standard language for roof drainage. Section I.H: The standard language must be modified for a "parking lot stormwater detention easement". 4B and 4D are not applicable.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.
7. **Other: Fire:** No comment.

**GIS:** The plat needs to be tied from a Section corner or quarter corner using bearings and distances from a labeled point of commencement to the labeled point of beginning. Add a leading zero to all single digit degree descriptions on the face of the plat to match what is shown in the legal description. Submit a subdivision control data form in which the first point shall be the point of beginning with two other points on or near the plat's boundary.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the public works staff and development services staff must be taken care of to their satisfaction.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**Applicant indicated his agreement with the staff recommendation.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Shivel "absent") to **APPROVE** the minor subdivision plat for Zanmai per staff recommendation, subject to special conditions and standard conditions.

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17. **Z-7189 – Ryan Coulter**, Location: Northeast corner of North Osage Drive and West Apache Street, Requesting rezoning from **CS to IM**, (CD-1)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**PUD-624 February 2000:** All concurred in approval of a proposed Planned Unit Development on a 661± acre tract of land for a mixed use development including single-family multifamily and commercial uses, on property located on the north side of West Apache Street, west of Osage Drive and extending north and extending west to 41<sup>st</sup> West Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 44± acres in size and is located within the City of Tulsa and in Osage County. The property appears to be a partially vacant oil lease and is hilly and heavily wooded, zoned CS.

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned AG, and a school and residential uses, zoned RS-3; on the north by an industrial park, zoned IL and AG; on the south by vacant land and residential uses, zoned RS-3; and on the west by vacant land, zoned RM-1, CS and PUD-624 (Northwest Passage). This was approved in February, 2000 for a mixed use development. No IM zoning



has been granted in the immediate vicinity and a small amount of IL has been zoned to the northwest

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate North Osage Drive on the Transportation map. Currently it is under repair by the City of Tulsa, but apparently will remain a two-lane road. It is used by some bicyclists as access to the Trails System.

**STREETS:**

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Osage Drive	N/A	N/A	2 (partially under construction/repair)

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan calls for this property to be a New Neighborhood and a Growth Area. New Neighborhoods are intended to be new residential areas developed on vacant land, while Growth Areas are intended to be areas in which the City invests funding for infrastructure to encourage further development. Based on the existing Comprehensive Plan, the proposed IM zoning **is not in accord** with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Many factors influence staff's recommendations regarding a proposed rezoning. One of them is existing uses around the site. In this case, to the north is an industrial site with its own detention facility (see aerial photo); to the east is heavily wooded vacant land, and the expressway. To the east of the expressway is single-family residential land, including a school and park, zoned RS-3; to the west is PUD-624, underlain by CS at the NW/c of West Apache and North Osage Drive and RM-1 on the portion to the north, but vacant at this time. The fact that Tisdale Expressway separates the proposed IM site from the residential area to the east and Apache Street separates the site from the reservoir and residential areas to the south, so the site is well separated from residential development.

The current site has been zoned CS for some years and is adjacent to an industrial area on the north. The expressway on the east is an effective buffer for the residential area to the east of that. Based on these facts, staff can support IL zoning on the subject property and recommends **APPROVAL** of IL and **DENIAL** of IM. The staff has concerns with IM zoning due to uses that would be permitted by right. The Board of Adjustment could approve appropriate IM uses in the IL category and

impose conditions that would ensure compatibility with existing and proposed uses in the immediate area. Staff further notes that this area should be looked at again for possible Plan Map amendment.

12/21/11

**Applicant's Comments:**

**Roy Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, cited the history of the company, TFT, Inc. Mr. Johnsen indicated that his client is unable to expand at his current location and respectfully requests that the Planning Commission approve the staff recommendation for IL zoning.

**TMAPC COMMENTS:**

Mr. Liotta asked Mr. Johnsen if the applicant is expanding the sewer to the subject site. In response, Mr. Johnsen answered affirmatively.

Mr. Midget requested that the applicant take into consideration that this is the front door to the subject area and to build a quality building that compliments the subject area.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Shivel "absent") to recommend **APPROVAL** of the IL zoning and **DENIAL** of the IM zoning per staff recommendation.

**Legal Description for Z-7189:**

A tract of land located in the E/2 of Section 22, T-20-N, R-12-E of the Indian Meridian, Osage County, State of Oklahoma, according to the Official U.S. Government Survey thereof, more particularly described as follows: Commencing at the northeast corner of the NE/4 of Section 22, T-20-N, R-12-E; Thence S 00°40'05" W along the east line of the NE/4 of Section 22 a distance of 876.32 feet; Thence N 89°19'55" W perpendicular to the east line of the NE/4 of Section 22 a distance of 34.63 feet to the westerly right of way of the easterly portion of Parcel 21.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office, and the "Point of Beginning"; Thence S 00°32'54" W along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 793.82 feet; Thence S 25°33'19" W along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 1065.57 feet to the north line of the SE/4 of Section 22; Thence continuing S 25°33'19" W along the westerly right of way of the easterly portion of said Parcel

21.0 a distance of 270.43 feet; Thence S 45°33'19" W along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 661.44 feet to the most southerly north right of way of L. L. Tisdale Parkway; Thence N 89°04'43" W along the most southerly north right of way of L. L. Tisdale Parkway a distance of 84.58 feet to the easterly right of way of Osage Drive; Thence N 00°01'12" E along the easterly right of way of Osage Drive a distance of 192.93 feet to the easterly right of way of the westerly portion of Parcel 21.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence S 89°54'57" E along the easterly right of way of the westerly portion of said Parcel 21.0 a distance of 57.87 feet; Thence N 00°05'03" E along the easterly right of way of the westerly portion of said Parcel 21.0 a distance of 1170.68 feet; Thence N 30°17'38" E along the easterly right of way of the westerly portion of said Parcel 21.0 a distance of 729.97 feet; Thence N 05°40'35" E along the easterly right of way of the westerly portion of said Parcel 21.0 a distance of 370.45 feet; Thence N 08°28'22" W along the easterly right of way of the westerly portion of said Parcel 21.0 a distance of 284.41 feet; Thence N 28°07'26" W along the easterly right of way of the westerly portion of said Parcel 21.0 a distance of 125.78 feet; Thence N 29°08'22" E along the easterly right of way of the westerly portion of said Parcel 21.0 a distance of 325.25 feet to the westerly right of way of the easterly portion of Parcel 21.0, Gilcrease West Expressway, as recorded in Book 1398, Pages 0056-0083, in the Osage County Clerk's office; Thence S 63°00'08" E along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 313.85 feet; Thence S 49°59'04" E along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 171.20 feet; Thence N 51°35'52" E along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 62.94 feet; Thence S 49°59'04" E along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 15.00 feet; Thence S 43°37'52" E along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 65.00 feet; Thence S 51°35'52" W along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 69.41 feet; Thence S 37°56'37" E along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 190.45 feet; Thence S 19°12'34" E along the westerly right of way of the easterly portion of said Parcel 21.0 a distance of 121.17 feet; to the "Point of Beginning". Said tract contains 1,926,250 square feet or 44.2206 acres.

\* \* \* \* \*

**OTHER BUSINESS:**

None.

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**Commissioners' Comments**

None.

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**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Cantrell, Shivel "absent") to **ADJOURN** TMAPC meeting No. 2616, December 21, 2011.

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There being no further business, the Chair declared the meeting adjourned at 2:05 p.m.

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Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chairman

ATTEST: \_\_\_\_\_

Secretary