

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2635

Wednesday, October 3, 2012, 1:30 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey	Carnes	Bates	Steele, Sr. Eng.
Dix	Edwards	Fernandez	VanValkenburgh, Legal
Leighty		Huntsinger	
Liotta		Miller	
Midget		Wilkerson	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, October 2, 2012 at 11:39 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

#### **Chairman's Report:**

Mr. Walker requested Mr. Steele to come to the podium. Mr. Walker reported that today is Mr. Steele's last meeting and he will be leaving the City of Tulsa. Mr. Walker thanked Mr. Steele for his service to the Planning Commission and appreciated his professionalism. Mr. Walker stated that he hates to see Mr. Steele leaving.

Mr. Steele stated that he has enjoyed serving the TMAPC and he hopes that has helped in their decisions. Mr. Steele further stated that the TMAPC has been very interesting to him and seeing how the City runs. Mr. Steele indicated that he will be working for the City of Broken Arrow. Mr. Steele stated that there are a lot of good people in the City of Tulsa that will be able to serve the Planning Commission. [Applause]

**Director's Report:**

Ms. Miller reported that this is her first meeting and she is happy to be in Tulsa. Ms. Miller stated that she is very happy to be working with this Planning Commission and enjoyed the work session held prior to today's meeting.

Ms. Miller reported that the TMAPC Reports are fairly consistent with the numbers over the past month. The only significant change is a little bit of decline in the number of PUDs and plan reviews in August 2012.

Ms. Miller reported that there will be a Planning Commission workshop on Friday, October 5, in Glenpool, Oklahoma.

\*\*\*\*\*

**Minutes:**

**Approval of the minutes of August 15, 2012 Meeting No. 2012**

On **MOTION** of **SHIVEL** the TMAPC voted 8-0-0 (Covey, Dix, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Liotta, "absent") to **APPROVE** the minutes of the meeting of August 15, 2012, Meeting No. 2012.

\*\*\*\*\*

**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. **LS-20535** (Lot-Split) (CD-3), Location: Northeast of the northeast corner of East 11th Street South and South Garnett Road

**Items 3 through 10 were removed from the consent agenda (see consideration of items removed from the consent agenda)**

- 11. **LS-20551** (Lot-Split) (CD-9), Location: East of the southeast corner of East 41st Street South and South Harvard Avenue
- 12. **Meadowbrook Chase – Final Plat**, Location: Northeast corner of East 81st Street South and South Mingo Road (8407) (CD 7)

**STAFF RECOMMENDATION:**

This plat consists of three lots, one block, on 28.57 acres.

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

13. **Legend Senior Living** – Final Plat, Location: East of northeast corner of U.S. Highway 75 and West 71st Street South (8202) (CD 2)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 3.7 acres.

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

14. **PUD-411-C – AAB Engineering, LLC/Alan Betchan/South Town Market**, Location: North of East 101st Street South on the east side of South Memorial Drive, Requesting a **Detail Site Plan** for a single building containing two restaurants in Development Area 1-A, **CO**, (CD-7)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting approval of a detail site plan for a single building containing two restaurants in Development Area “1-A” of PUD 411-C. The site has been previously platted but not developed. All uses permitted by right in Use Unit 10,11,12,13 and 14 are permitted by right in the PUD.

**PERMITTED USES:**

The proposed use is in Use Unit 12 (Eating Establishments other than Drive In) and is permitted in this development area.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable, building height, floor area, density, open space, and setback limitations. No modifications of the previously approved PUD guidelines are required for approval of this site plan.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

The Site Plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code.

**LIGHTING:**

Parking lot lighting will be directed down and away from the boundaries of development area 1-A to help prevent light trespass into the adjacent properties Maximum height of light fixtures is 28.5’ and below the 30’ height limit allowed.

**SIGNAGE:**

No signage is illustrated on the site plan. A separate sign plan will be submitted and approved at staff level prior to issuance of a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

The landscape plan will be submitted to staff for separate review as allowed in the Planned Unit Development Section of the Zoning Code.

The trash screening enclosure is a minimum 6' masonry structure and exceeds the minimum screening standards defined in the PUD.

**PEDESTRIAN ACCESS AND CIRCULATION:**

Sidewalks will be installed internally and on the South Memorial street frontage. Appropriate sidewalk and pedestrian access has been provided on the site plan connecting to the building entrances.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area as it relates to the terrain or other site modifications.

**SUMMARY:**

Staff has reviewed applicants' submittal of the Site Plan as it relates to the approved Planned Unit Development 411-C. The applicant site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development 411-C, and the stated purposes of the Planned Unit Development of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed new commercial project.

*(Note: Detail site plan approval does not constitute sign plan or landscape plan approval.)*

Mr. Liotta in at 1:34 p.m.

Mr. Leighty requested that Items 3 through 10 be removed from the consent agenda.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to **APPROVE** the consent agenda Items 2, 11 through 14 per staff recommendation.

\* \* \* \* \*

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

3. **LC-428** (Lot-Combination) (CD-4), Location: South of the southeast corner of South Utica Avenue and East 22nd Place South (Related to LS-20548)
4. **LS-20548** (Lot-Split) (CD-4), Location: South of the southeast corner of South Utica Avenue and East 22nd Place South (Related to LC-432)
5. **LC-429** (Lot-Combination) (CD-4), Location: South of the southeast corner of South Utica Avenue and East 22nd Place South (Related to LS-20549)
6. **LS-20549** (Lot-Split) (CD-4), Location: South of the southeast corner of South Utica Avenue and East 22nd Place South (Related to LC-430 and LC-432)
7. **LS-20550** (Lot-Split) (CD-4), Location: South of the southeast corner of South Utica Avenue and East 22nd Place South (Related to LC-430, LC-431 and LC-432)
8. **LC-430** (Lot-Combination) (CD-4), Location: South of the southeast corner of South Utica Avenue and East 22nd Place South (Related to LS-20549 and LS-20550)
9. **LC-431** (Lot-Combination) (CD-4), Location: South of the southeast corner of South Utica Avenue and East 22nd Place South (Related to LS-20548 and LS-20550)
10. **LC-432** (Lot-Combination) (CD-4), Location: South of the southeast corner of South Utica Avenue and East 22nd Place South (Related to LS-20548, LS-20549, and LS-20550)

**STAFF RECOMMENDATION:**

**LC-428, 429, 430, 431, 432 and LS-20548, 20549, 20550  
Roy D. Johnsen, (9318) (PUD-680-A) (CD-4)**

**Location: South of the Southeast corner of South Utica Avenue and East 22nd Place South**

This series of lot-splits and lot-combinations are being applied for to reflect a previously approved Minor Amendment to the PUD-680-A. This series of applications does not violate or exceed any requirements in either the City of Tulsa Zoning Code or Subdivision Regulations.

Initially, TMAPC staff and Development Services recommended to the applicant that it would be clearer to adjust and move boundaries through the shorter Minor Subdivision Plat process. However, due to no technical limitations on how many lots should be allowed to be combined in the Subdivision Regulations, the applicant opted for the Lot-Split/Lot-Combination process instead of the recommended Minor Subdivision Plat.

The Subdivision Regulations and State Statutes have stipulations on the number of lots that can be created from one piece of property. As noted it does not reference a number of lots that can be combined or the number of lot-combinations that can include a single piece of property. This issue is being looked at and reviewed through the Zoning Code rewrite that is currently underway.

While a Minor Subdivision Plat may have been more appropriate, this series of lot-splits and lot-combinations would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the applications as applied for.

**TMAPC COMMENTS:**

Mr. Leighty asked staff to clarify their statement regarding minor subdivision plat and opting for the lot-split/lot-combination process. Mr. Bates stated that there are no limitations for how many lots can be combined in the Subdivision Regulations at this time. That is something that is being looked at along with the new Zoning Code update. Mr. Bates stated that combining lots can get to a point where there are so many lot-splits and combinations just to address an issue, but it would have been easier to address with a minor subdivision plat. Mr. Leighty asked how a minor subdivision plat would be more appropriate. Mr. Bates stated that a minor subdivision plat costs \$650.00 and the applicant paid \$800.00 in fees for these items today. This doesn't take into account any engineering fees that might be incurred by the applicant; however, they did have to hire a surveyor. The applicant could have straightened up the lot lines and addressed the reserve area more simply with a minor subdivision plat. The applicant has the right to do this through the lot-split/lot-combination process, but it a little more confusing to some who would have to pull eight cases to research this rather than pulling a plat. Mr. Bates stated that no

easements are changing; it is only interior lot lines and the reserve area that were changing.

**Applicant's Comments:**

**Roy D. Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing the owners of One Utica Place, stated that what distinguishes this from other situations is that it is all one owner. The lots originally were platted for single-family dwellings and over the time that market didn't develop and amendments to the PUDs were done. The amendments were for two office buildings that will be connected with an overhead walkway and a street underneath that. Mr. Johnsen stated that when there is only one owner there is no purpose served to file a new plat, which is more expensive. There is no limit on the number of lot-combinations that can be done. Mr. Johnsen stated that a minor subdivision would probably have cost an additional \$5,000.00.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to **APPROVE** Items 3 through 10 per staff recommendation.

\* \* \* \* \*

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

**PUBLIC HEARINGS:**

15. **Dirty Butter-Heritage Hills Extension** - Preliminary Plat, Location: Southwest corner of East Virgin Street and North Hartford Avenue (0225) (CD 1)

**STAFF RECOMMENDATION:**

This plat consists of 15 Lots, 4 Blocks, on 6.17 acres.

The following issues were discussed September 20, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RS-3 and RS-4. The plat was previously submitted but adequate progress was not made in 2010 or 2011 and it

expired. Single-family residential uses are planned.

2. **Streets:** Twenty feet of right-of-way dedication is required along Hartford on the east side of Lot 1, Block 4. Existing right-of-way along Seminole is shown as 50 feet on County maps. Is the surveyed right-of-way 60 feet? Label Tecumseh Street to the east of Hartford Avenue. What is “right-of-way dedicated per this map”? If dedication is required then state as such, otherwise remove this note. Access from Virgin Street should be 60 feet. Do not include curve and tangent in the access. Fifty feet of existing right-of-way reference should be provided for Virgin Street south of center line. The arrow is pointing to north of center line. Provide access ramps on both sides of Hartford on Lot 4, Block 3. Relocate access ramps to curve tangent on Lot 4, Block 1, and provide ramps on both side of street. Maximum distance for three-foot side walk on west side of Hartford is 25 feet after which a five-foot wide landing is required.
3. **Sewer:** The five-foot building line located along the west side of Lot 2, Block 4, needs to be a utility easement as well. The required sanitary sewer mainline extension is being constructed under project MS-553.
4. **Water:** Show fire hydrant locations every 500 feet, appears there will need to be fire hydrant installed along new six-inch waterline on Hartford Avenue. Proposed six-inch waterline will be in tie-backs of the stacked block wall, for future maintenance needs. Retaining wall within City right-of-way, why is it not back of right-of-way line? This project has been reviewed internal here in Engineering Services and been assigned TMUA-W10-21.
5. **Storm Drainage:** Add standard language for roof drain requirements. The plat cannot be finalized until the CLOMR (letter of map revision for floodplain) moving the FEMA floodplain is approved.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO has existing overhead lines on site. These need to be maintained or the applicant must pay to have these removed.
7. **Other: Fire:** Provide a fire hydrant at the intersection of Tecumseh Street North and Hartford Avenue East to meet the 500-foot hydrant spacing requirement of Appendix C of the International Fire Code.

**GIS:** On the face of the plat add a north arrow. Match the bearings of legal descriptions and make sure they are correct. Submit a subdivision control data form.

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



**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to **APPROVE** the preliminary plat for Dirty Butter Revised Subdivision Plat per staff recommendation, subject to special conditions and standard conditions.

\* \* \* \* \*

16. **South Yale Commercial Center** – Preliminary Plat, Location: Southeast corner of South 81st Street and Yale Avenue (8315) (CD 8)

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 2.53 acres.

The following issues were discussed September 20, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS. There will be a large retaining wall on the property due to the topography. Water and sewer lines need to be protected per Development Services staff.
2. **Streets:** Corner clip should be 42.42 feet. Call out right-of-way distance from centerline of street to property line on both 81st Street and Yale Avenue. Yale is a Primary Arterial at that location and 60 feet of right-of-way must be available from the center line of Yale. Include section on sidewalks.
3. **Sewer:** Add an 11-foot utility easement along the east and south boundaries of the plat. The existing PVC sanitary sewer line located along the eastern boundary must be protected during construction. Any damage done to the existing sewer line must be repaired at the developers' expense.

4. **Water:** Contractor to locate the existing 16-inch waterline and protect waterline during construction from heavy traffic. Existing eight-inch waterline to the east of the development - will the existing grades be cut such that the coverage over existing eight-inch waterline will be reduced?
5. **Storm Drainage:** Do not include the section in covenants on storm sewer easement unless a storm sewer easement is shown on the face of plat. No stormwater collection system is shown.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO states that the property will be served from a line off of 81st Street.
7. **Other: Fire:** No comment.

**GIS:** On the location map Tuscana on Yale and Red Crown Federal Credit Union are not labeled. On the face of plat show a leader line from point of commencement label to the point of commencement. Add leading zeros to all single digit degree descriptions on face of plat to match legal description. Show pin symbol at each point of intersection on the traverse around the property. Show basis of bearing clearly. Submit subdivision control data form.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

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

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

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to **APPROVE** preliminary plat for South Yale Commercial Center per staff recommendation, subject to special conditions and standard conditions.

\* \* \* \* \*

17. **CZ-419 – Stephen I. Gibson**, Location: East of northeast corner West 56th Street and South 45th West Avenue, Requesting rezoning from **RS to IL**, (County)

**STAFF RECOMMENDATION:**

**ZONING RESOLUTION:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**CZ-402 December 2009:** All concurred in approval of a request for rezoning a .8± acre tract of land from RS to IL, for office and garage space, on property located east of southeast corner of South 45th West Avenue and West 55th Place and abutting north of subject property.

**CZ-202 June 1993:** All concurred in approval of a request to rezone a .6± acre tract from RS to IL for a truck repair service, located on the northeast corner of West 56th Street South and South 45th West Avenue.

**CZ-248 December 1998:** All concurred in approval of a request to rezone a tract from RS to IL for a body shop, located on the southwest corner of West 55th Place and South 41st West Court.

**CZ-188 June 1991:** All concurred in approval of a request to rezone a tract from RS-3 to IL for a fireworks facility, located east of the southeast corner of South 45th West Avenue and West 55th Street South.

**CZ-142 April 1986:** All concurred in approval of a request for rezoning a tract of land from RS to IL on property located on the north side of 55th Place and East of 45th West Avenue.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .67± acres in size and is located east of northeast corner of West 56th Street and South 45th West Avenue. The property appears to be used for parking and is zoned RS.

**SURROUNDING AREA:** The subject tract is abutted on the east by single family residential, zoned RS-3; on the north by single family residential and truck storage, zoned IL and RS-3; on the south by W 56th Street then single family residential across the street, zoned RS-3; and on the west by automobile storage, zoned IL.

**UTILITIES:** Current City of Tulsa Atlas information shows that the subject tract is provided with municipal water however wastewater services are not shown on the atlas.

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate W 56th Street South two lane asphalt street. There is no curb and gutter and is a rural style street.

**STREETS:**

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 56th Street South	NA	50'	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

This area is outside the current City of Tulsa Comprehensive Plan therefore there are no current comprehensive plan guidelines.

Historically the area was defined as a medium intensity area inside the old planning district 8. IL zoning was in considered to be in conformance with the Vision 2000 Comprehensive Plan.

**STAFF RECOMMENDATION:**

The requested parcels are all zoned RS however they are currently being used as vehicular storage areas and appear to be an extension of adjacent IL district west of the proposed re-zoning area. Currently there are no required screening fences in place as defined in the Tulsa County Zoning Code.

This site would be considered an appropriate zoning classification in the Vision 2000 Comprehensive Plan and is an expansion of existing IL zoning adjacent to the west property line an part of the north property line. Currently the site is a non conforming use in the RS zoning district and appears to have been in operation for several years. Should the commissioners approve the re-zoning request all screening and other development standards need to be installed.

Staff recommends APPROVAL of IL Zoning on the property for the following reasons.

- 1) The site is currently being used as an automotive storage and parking use however is nonconforming due to the existing RS zoning.
- 2) Existing IL zoning abuts the site on two sides; the west and north. The proposed IL expansion area will provide additional business development opportunities at this location.
- 3) The Medium Intensity Development designation identified in the Vision 2000 comprehensive plan suggests that IL zoning is in conformance with that plan in this area.



**TMAPC COMMENTS:**

Mr. Leighty requested staff to include aerials that have the closer view of the subject property in the future.

**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 **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to recommend **APPROVAL** of the IL zoning for CZ-419 per staff recommendation.

**Legal Description for CZ-419:**

Lots 18, 19, 20 & 21, Block 5, Opportunity Heights, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

- 18. **LS-20543** (Lot-Split) (CD-8), Location: South of East 116th Street South and east of South Hudson Court, Lot 12, Block 1, Frenchman's Creek (related to LC-424)

**STAFF RECOMMENDATION:**

The Lot-split proposal is to split an existing RS-1 (Residential Single-Family) tract into two tracts. One of the resulting tracts will exceed the Bulk and Area Requirements of the City of Tulsa Zoning Code. The other resulting tract will be combined with an existing tract adjacent to the one being created.

One of the resulting tracts would have more than three side lot lines as required by the Subdivision Regulations. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract have more than three side lot lines.

The Technical Advisory Committee met on September 20, 2012 and expressed no major concerns. Development Services is requesting that a portion of an existing easement be vacated per City of Tulsa requirements. The applicant is aware of the issue and has agreed to address it accordingly. No deeds will be released until Development Services concerns with the easement closure are rectified to their satisfaction and a release letter is received.

Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to **APPROVE** the waiver of the Subdivision Regulations and of the lot-split for LS-20543 per staff recommendation.

\* \* \* \* \*

- 19. **LC-424** (Lot-Combination) (CD-8), Location: South of East 116th Street South and east of South Hudson Court (related to LS-20543)

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to **APPROVE** the lot-combination for LC-424 per staff recommendation.

\* \* \* \* \*

- 20. **LS-20544** (Lot-Split) (County), Location: West of the southwest corner of North 88th East Avenue and East 80th Street North

**STAFF RECOMMENDATION:**

The Lot-split proposal is to split an existing AG (Agricultural) tract into two tracts. Both of the resulting tracts will exceed the Bulk and Area Requirements of the Tulsa County Zoning Code.

One of the resulting tracts would have more than three side lot lines as required by the *Subdivision Regulations*. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract have more than three side lot lines.

The Technical Advisory Committee met on September 20, 2012 and expressed no concerns. The county engineer has requested that the applicant give an additional 5' easement along the north boundary (80th Street North) of the existing property. Deeds will not be released until the applicant has returned the original easement for filing with the county clerk's office.

Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for LS-20544 per staff recommendation.

\* \* \* \* \*

**OTHER BUSINESS:**

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards "absent") to **ADJOURN** TMAPC meeting No. 2635.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 1:50 p.m.

Date Approved:

Nov. 7, 2012

John A. Welch

Chairman

ATTEST:

[Signature]

Secretary