

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2646

Wednesday, March 20, 2013, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	Stirling	Bates	Tohlen, COT
Carnes	Walker	Fernandez	VanValkenburgh, Legal
Dix		Huntsinger	Warrick, COT
Edwards		Miller	
Leighty		White	
Liotta		Wilkerson	
Midget			
Perkins			
Shivel			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, March 18, 2013 at 2:10 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, 1st Vice Chair Perkins called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Ms. Miller reported on the TMAPC Receipts for the month of February 2013.

Ms. Miller submitted and explained the timeline for the general work program for 6th Street Infill Plan Amendments and Form-Based Code Revisions.

Ms. Miller reported that the TMAPC website has been improved and should be online by next week.

Mr. Miller further reported that there will be a work session on April 3, 2013 for the Eugene Field Small Area Plan immediately following the regular TMAPC meeting.

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CONSENT AGENDA

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

1. **LS-20582** (Lot-Split) (CD 3) – Location: Northwest corner of East Apache Street and North Florence Avenue (Continued from 3/6/2013)
1. A. ***LS-20586** (Lot-Split) (CD3) – Location: West of the Southwest corner of East Pine Street and North 145th East Avenue, **STRICKEN.**
1. B. ***LS-20586** (Lot-Split) (CD 3) – Location: West of the Southwest corner of East Pine Street and North 145th East Ave
2. **LC-469** (Lot-Combination) (CD 4) – Location: Northeast corner of East 12th Street and South Lewis Avenue
3. **LC-470** (Lot-Combination) (County) – Location: North of the northeast corner of East 161st Street South and South Yale Avenue (related to LS-20591)
4. **LS-20591** (Lot-Split) (County) – Location: North of the northeast corner of East 161st Street South and South Yale Avenue (related to LC-470)
5. **LC-471** (Lot-Combination) (CD 1) – Location: North of the northeast corner of West Fairview Street and North Country Club Drive
6. **LS-20588** (Lot-Split) (County) – Location: North of the northwest corner of East 106th Street North and North Sheridan Road
7. **PUD-759 – Crestwood At The River, LLC**, Located: West of the northwest corner of East 121st Street South at South Sheridan Road, Requesting a **Detailed Site Plan** for a new office building, (CD-8)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval a new office building in PUD 759.

PERMITTED USES:

The following uses are permitted in Development Area B: Those uses permitted by right in the CS zoning district and those uses considered customarily incidental to those permitted principal uses.

DIMENSIONAL REQUIREMENTS:

The new building shown on the plan is a 7,300 square foot structure and matches the 7,300 square feet allowed by PUD 759-6. 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.

ARCHITECTURAL GUIDELINES:

The new buildings are not limited by architectural style in the PUD however the conceptual plans provided in the PUD match the design of the site plans included in this request.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan does not provide the required minimum defined in the Tulsa Zoning Code however the site is subject to a shared parking agreement with Lot 1A, 1B and 1D requiring 43 parking spaces. The overall parking provided on three lots meets the minimum 44 spaces required.

LIGHTING:

Parking lot and building lighting will be directed down to help prevent light trespass into the adjacent properties and illustrated by the Kennebunkport Formula. The maximum height of lighting is below the maximum allowed in the approved PUD.

SIGNAGE:

The site plan does not illustrate ground sign locations. 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 site plan matches the PUD concept drawings and satisfies requirements for landscape islands and green space opportunities.

The trash screening enclosure meets the minimum screening standards defined in the PUD and is located appropriately on this site.

PEDESTRIAN ACCESS AND CIRCULATION:

Appropriate sidewalk plans have been provided on the site plan connecting to the building entrances from the street sidewalk system.

MISCELLANEOUS SITE CONSIDERATIONS:

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

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved Planned Unit Development 759. The 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 759, 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.)

8. **AC-119 – Dewberry/James Healy**, Located: East of South Harvard Avenue on the north side of East 101st Street South, Requesting an **Alternative Compliance Landscape Plan** for a building expansion, pedestrian plaza and parking area improvements for the Parish of St. Bernard, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for a building expansion, pedestrian plaza and parking area improvements for the Parish of St. Bernard of Clairvaux at 4001 East 101st Street South.

Staff Analysis:

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the Tulsa Zoning Code for the following reasons:

- 1) Five parallel parking spaces located in front of the new expansion area will be within 3.5' feet of the street right of way and will not provide the minimum 5' green space requirement. The existing parking area adjacent to the site is further than the 5' minimum requirement.
- 2) Within the Street Yard the existing parking area only provides one existing tree. 17 street yard trees are required.

Staff Recommendation:

The applicant has proposed to provide 26 trees between the building and the building setback line exceeding the minimum tree requirement in the expansion area.

The overall landscape concept includes significant additional green space with shrub planting and provides a meaningful green belt inside the existing parking area.

The required 1.5' reduction in the required grass area adjacent to the parallel parking area is not visually significant as it relates to the overall landscape concept.

The new trees and landscaped area provide significant groupings and a large landscape area within the limits of an existing parking area which is being re-constructed. The existing parking area does not include any landscape areas.

The general parking lot arrangement for the new construction is very sensitive to protecting and preserving large existing trees within the site and continues to protect and provide new meaningful urban forest surrounding this facility.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan "be equivalent or better than" the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-119

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **APPROVE** the consent agenda Items 1 , 1B through 8 per staff recommendation.

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

PUBLIC HEARINGS:

9. Public Hearing Approving New Capital Improvement Projects for FY 2014-2018

As required by State Statute, the TMAPC must review and approve new capital projects in the City, issuing a statement of conformance with the Comprehensive Plan.

STAFF RECOMMENDATION:

Item: Public hearing approving the new proposed Capital Improvement Projects, Fiscal Year 2014-2018.

Background

The Capital Improvement Plan (CIP), containing recommended capital projects for the next five years, is a tool to implement the Comprehensive Plan. State Statutes provide that once a comprehensive plan has been adopted, no capital project shall be constructed or authorized without approval of its location, character and extent by the Planning Commission.

City departments generated the list of capital improvements in the plan. The City of Tulsa prepares an annual Capital Improvement Plan that is published with the fiscal year budget. The Planning Commission generally reviews any new additions proposed for inclusion in the proposed capital plan before the draft budget and capital plan are published.

The Proposed Capital Improvement Plan, FY 2014-2018 will be presented to City Council on April 25th.

Staff Analysis

TMAPC/INCOG and City of Tulsa Planning staff reviewed the new proposed Capital Improvement Plan projects for consistency with the City of Tulsa's Comprehensive Plan. In general, the improvements listed are consistent with the Comprehensive Plan.

A detailed New Capital Projects Summary Report is attached. Below is a summarized list of those items, including: the name of the department, the item number(s) that correspond with the attached chart, location (if needed) and staff comments regarding relationship and consistency with the Comprehensive Plan.

- **Information Technology**

Item #: 1

Title: Law Enforcement Record Management System

Location: Agency-Wide System

Staff Comments: This proposed project is consistent with the Comprehensive Plan's vision for a safer community, but no specific guidance is offered.

- **Tulsa Zoo**

Item #'s: 2-7

Title: Zoo Improvements

Staff Comments: The Zoo Master Plan was adopted as an amendment to the Comprehensive Plan on August 15, 2012. The proposed improvements are consistent with the Zoo Master Plan and contribute to

the quality of life for the City of Tulsa. Therefore, these projects are in conformance with the Comprehensive Plan.

- **Performing Arts Center (PAC)**

Item #: 8

Title: PAC Expansion

Location: 2nd and Cincinnati

Staff Comments: This proposed project is consistent with the Plan's understanding of the downtown core as Tulsa's "...most intense regional center of commerce, housing, culture and entertainment." (p. LU 31).

- **Gilcrease Museum**

Item #'s: 9-25

Title: Facilities Upgrades and Rehabilitation

Staff Comments: These proposed projects represent improvement to an existing museum in the City of Tulsa and are consistent with the Plan's focus on enhancing education and improving Tulsa's quality of life.

- **River Parks Authority**

Item #: 26

Title: Total Renovation of Zink Dam

Staff Comments: This proposed project is consistent with the Arkansas River Corridor Master Plan, which was brought forward and included in the adoption of the new Comprehensive Plan. Therefore, this project is in conformance with the Comprehensive Plan.

- **Streets**

Item #: 27

Title: Hudson Avenue

Location: 51st Street South to 61st Street South

Staff Comments: This road serves Memorial Senior High School and Key Elementary School and currently lacks sidewalks. It is consistent with Transportation Priority 4 (Provide Multiple Transportation Choices to All Tulsans) and more specifically Goal 13.4, ensuring that sidewalk infrastructure is developed with improvements on major corridors. This project is also consistent with Parks, Trails and Open Space Priority 5 (Improve Access and Quality of Parks and Open Space), and more specifically Goal 12.9 by providing sidewalks to schools. In addition, the improvements are consistent with the Major Street and Highway Plan. Therefore, this project is in conformance with the Comprehensive Plan.

- **Streets**

Item #: 28

Title: Eliot Elementary School/Sidewalks and striping

Staff Comments: This proposed project is consistent with the Guiding Principles for Transportation (p. 35, Transportation Chapter), which focus

on safe schools, easy to walk and bike to, and part of a world-class education system. Therefore, this project is in conformance with the Comprehensive Plan.

- **Stormwater**

Item #: 29

Title: Construct Household Hazardous Waste Collection Facility

Staff Comments: Construction of this type of facility is consistent with Parks, Trails and Open Space Priority 1 (Ensure a clean and healthy Arkansas River); generally consistent with Goal 1 (Stormwater is captured and cleaned through landscape design, downspout disconnection, and other environmentally-friendly techniques...) and specifically Goal 1.2 (Address pollution at its source through innovative waste reduction and source control measures.) In the future, the Comprehensive Plan will need to be consulted when determining a location for this facility. Any site will be subject to zoning and all applicable development controls.

- **Facilities**

Item #'s: 30-31

Title: One Technology Center (OTC) Maintenance and Rehabilitation/Page Belcher Alternate Water Source Supply

Staff Comments: Maintenance and rehabilitation of OTC is generally consistent with the Comprehensive Plan's emphasis on maintenance of existing infrastructure. Regarding the Page Belcher Alternative Water Supply, the Comprehensive Plan recommends coordination with TMUA and there will be an opportunity to do this in the next major Plan Update if not sooner. "In order to achieve Tulsa's vision of a more fiscally sustainable community, the city must work closely with the Tulsa Metropolitan Utility Authority and other regional agencies to prioritize infrastructure investments so they reinforce the city's urban fabric." (p. LU 68). No specific guidance on water supply is currently offered, though this is generally consistent with references to improving public health.

- **Planning**

Item #: 32

Title: Corridor and Small Area Planning & Implementation

Staff Comments: Small Area Planning is a fundamental tool for the implementation of Land Use Priority 1 (Make land use decisions that contribute to Tulsa's fiscal stability and move the city towards the citizen's vision) (p. LU 74). Corridor Plans are a type of small area plans. There are numerous supporting references including entire sections of the appendices dedicated to the prioritization, creation, and implementation of small area plans. Therefore, this project is in conformance with the Comprehensive Plan.

- **Planning**
 Item #: 33
 Title: OSU Medical Center Garage
 Location: 7th and Houston
Staff Comments: The Comprehensive Plan supports OSU Medical Center expansion. This proposed project is consistent with Economic Development Priority 3 (Retain industry clusters that are strong now, cultivate new clusters) and more specifically Goal 4.4 (Partner with health care and educational institutions to develop plans and implementation strategies for the creation of medical, hospital or educational districts that can accommodate growing needs of medical facilities, the supply high quality housing and supporting businesses and services for employees and clients.) Therefore, this project is in conformance with the Comprehensive Plan.
- **Planning**
 Item #: 34
 Title: Eugene Field Choice Grant Related Infrastructure
Staff Comments: This project is consistent with Housing Priority 3 (Ensure housing affordability for all residents) and more specifically Goal 7.1 (Work with for-profit and non-profit developers to encourage new mixed-income developments across the city.) A pending Eugene Field small area plan has been drafted to redevelop/revitalize this low-income housing area through the introduction of mixed-income housing, education, and job strategies. Therefore, this project is in conformance with the Comprehensive Plan.
- **Airport-AFP/MRO**
 Item #'s: 35-42
 Title: Tulsa International Airport Improvements
Staff Comments: This set of proposed projects is consistent with Economic Development Priority 3 (Retain industry clusters that are strong now, cultivate new clusters) which recognizes that several industry clusters depend on TIA "Continued investments in Tulsa's transportation infrastructure (including major enhancements of Tulsa International Airport's cargo capacity) (p. ED 7) is important to support Tulsa's key clusters." Based on these references, this set of projects is in conformance with the Comprehensive Plan.
- **MTTA**
 Item #: 43
 Title: Peoria Rapid Bus Project
Staff Comments: This location is identified in the Comprehensive Plan as a priority bus corridor (Goal 12.2). Goal 12.2: Enhance bus transit services with higher frequency bus service, improved stations/stops and priorities for intelligent transportation systems (ITS) investments (including bus

priority signalization) on the Big T route, which includes Peoria Avenue and 21st Street as portrayed in the Vision Map. Therefore, this project is in conformance with the Comprehensive Plan.

- **Sewer**

Item #'s: 44-88

Title: Facility Rehabilitation/Equipment Replacement/Improvements

Staff Comments: These proposed projects are all related to rehabilitation and system upkeep and are generally consistent with the Comprehensive Plan's direction on infrastructure maintenance.

- **Water**

Item #'s: 89-102

Title: Pump Station Rehabilitations/Refurbishments and Facility Improvements

Staff Comments: These proposed projects are all related to rehabilitation and system upkeep and are generally consistent with the Comprehensive Plan's direction on infrastructure maintenance.

- **Water**

Item #: 103

Title: Bixby Master Meter Connection Improvements

Location: near 111th from Memorial to Sheridan

Staff Comments: This proposed project is system maintenance and generally consistent with the Comprehensive Plan's direction on infrastructure maintenance.

- **Water**

Item #: 104

Title: Berry Hill Waterline Extension

Location: Along 49th and 65th West Avenue, between 21st and 41st

Staff Comments: Currently, the TMAPC staff is preparing a study that will recommend appropriate land use and zoning designations for the Berryhill area along the Gilcrease Expressway alignment which was annexed by the City of Tulsa in 2012. Given the location of this area which surrounds the Gilcrease Expressway extension, it is probable that it will be designated as an Area of Growth; therefore, this waterline extension would be consistent with the Comprehensive Plan.

- **Water**

Item #: 105

Title: AB Jewel/Mohawk, Structural/Architectural Rehabilitation and Repairs

Staff Comments: This proposed project is system maintenance and generally consistent with the Comprehensive Plan's direction on infrastructure maintenance.

Recommendation

Approve based on the finding that the new proposed Capital Improvement Projects, Fiscal Year 2014-2018 is in conformance with the 2010 Tulsa Comprehensive Plan.

TMAPC COMMENTS:

Mr. Leighty expressed his displeasure that the estimated costs were not provided with the submittal. Ms. Miller stated that the cost is not in the scope of what the Planning Commission does, but rather to find it in accordance with the Comprehensive Plan.

Mr. Midget stated that he doesn't have an issue with the numbers not being included and he can't recall that the Planning Commission ever considered the cost. Mr. Midget stated that this was explained last year that the role of the Planning Commission is to determine whether or not these projects are consistent with the Plan. If they are consistent with the Plan then they move forward in the process. Prioritizing the projects is not the Planning Commission's job. Mr. Leighty stated that he would take issue with that and he thinks that it is the Planning Commission's role to look farther into these. Mr. Leighty further expressed his belief that the Planning Commission puts a rubber stamp on it and they should have a much larger role. Mr. Leighty cited the reasons he believes that the Planning Commission should have a larger role in the CIP approval. Mr. Midget stated that he doesn't want to belabor this and he hopes that the Planning Commission does approve this list. Mr. Midget further stated that nothing precludes a Commissioner from identifying what may, in his own determination, to be a priority and urge the administration to give it priority. Mr. Midget restated that it is not for the Planning Commission to prioritize or what should or shouldn't be on the Capital Improvements Project list. That is a function of our governing body and the Mayor and not this Planning Commission. Mr. Midget reiterated that the Planning Commissions' sole purpose is to make a determination whether or not these projects are consistent with the Comprehensive Plan. Mr. Leighty stated that he would like to have the other Planning Commissioners whether or not they would prefer to have some cost estimates on these CIPs when they are presented to the Planning Commission for approval, as they have been in the past.

In response to Mr. Leighty, Mr. Carnes answered negatively. Mr. Carnes explained that he agrees with Mr. Midget regarding the Planning Commissions' role in the CIP approvals. Mr. Carnes stated that this has not been rubber stamped every time. Mr. Leighty stated that in the last four years he can't think of a single project that has been on the list that hasn't been approved as a matter of routine and without discussion.

Mr. Midget moved to approve the New Capital Improvement Projects for FY 2014-2018 as submitted. Mr. Carnes seconded.

Mr. Leighty stated that he did have one additional question he would like to ask. Mr. Leighty questioned that there are several items on the list that have "Planning" on them and he understood that planning is not a capital improvement project. Ms. Miller stated that "Planning" is the Department that requested the Capital Improvement. Mr. Leighty stated that he has a question for Item 104, Berryhill water line extension. Mr. Leighty further stated that this is apparently to support projected needs based on the development around the Gilcrease Expressway and it is premature to put this on here right now. Mr. Leighty commented that it isn't necessarily compatible with the Comprehensive Plan because it is really urban sprawl and nothing something that is a high priority in the Comprehensive Plan. The Comprehensive Plan is shooting for more density, redevelopment, inner city development, infill development rather than speculative ventures that might come or might not come. Mr. Leighty asked why this is on the list at this time. Ms. Miller stated that there is someone from the City to answer this question. Ms. Miller further stated that she did want the Planning Commission to know that Diane Fernandez is actually preparing a zoning study for the subject area and there is already a great deal of developed property.

Joan Arthur, City of Tulsa Engineering Department stated that she is the Engineer that is planning for the water system. Ms. Arthur further stated that Tulsa Metropolitan Utility Authority recently completed their Comprehensive Water System Study and the subject project is in the 15 year Capital Plan, but it isn't a new project. The name is somewhat misleading, it does serve the subject area recently annexed around the Gilcrease Expressway, but it was identified as a need based on system deficiencies in the subject area. The extensions are needed to provide adequate pressure and volume.

Mr. Leighty asked Ms. Arthur if there was a need in the subject area before the annexation. Ms. Arthur stated that the City of Tulsa currently serves customers in the subject area as outside City customers and there is a need there and it is an area where the water distribution system is weaker than other parts of the City. Mr. Leighty asked Ms. Arthur if she had a cost for the subject project. Ms. Arthur stated that she believes that the project is in the range of five million dollars, but she would have to look at it to be certain.

Mr. Perkins stated that the Comprehensive Plan does call for a balanced approach and not just higher density. Mr. Perkins further stated that simply because the City is going out and serving people it is not necessarily urban sprawl.

Mr. Perkins called for the vote.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to recommend **APPROVAL** of the New Capital Improvement Projects for FY 2014-2018 as submitted.

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10. **The Vineyard on Memorial** – Minor Subdivision Plat, Location: North of the northwest corner of East 111th Street south and South Memorial Drive (8326) (CD 8) (continued from 3/6/13 meeting)

STAFF RECOMMENDATION:

This plat consists of 7 Lots, 3 Blocks, on 15.35 acres.

The following issues were discussed March 7, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 619 C. Covenants need to be clarified between the old underlying Memorial Commons and be approved by City Legal.
2. **Streets:** Section 1.15 refers to sidewalks on the north side of 106th Place since that area is not included in this plat, edit the section accordingly.
3. **Sewer:** Along the south boundary line of Lot 1, Block 2, move the building line out of the easement area. If you show a building line, locate it along the north boundary of the 10 foot waterline easement.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** No comment.

GIS: Submit a new subdivision control data form.

Staff recommends **APPROVAL** of the Minor 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.

TMAPC COMMENTS:

Mr. Leighty asked about the fencing issue that came up during the PUD hearing. Mr. Wilkerson stated that there was an agreement made for the developer of the subject property to install a section of fence. The fence will be a part of the landscape plan and it hasn't come through the office at this time.

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, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **APPROVE** the minor subdivision plat for The Vineyard On Memorial per staff recommendation, subject to special conditions and standard conditions.

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11. **Stonegate IV** – Preliminary Plat, Location: East of northeast corner of East 51st Street South and South 177th East Avenue (9426) (CD 6)

STAFF RECOMMENDATION:

This plat consists of 74 Lots, 4 Blocks, on 20.81 acres.

The following issues were discussed March 7, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 784.
2. **Streets:** Include name instead of "street name" and specify the right-of-way widths on each side of the island. If Reserve C is intended to be the median, clearly label it and show distances, bearings, etc. Provide section on Reserve C.

3. **Sewer:** Identify the easement widths adjacent to the north boundary lines of Lot 20, Block 1, and all of Block 4. The 15-foot building line along the north boundary of Lot 6, Block 2, must also be a utility easement. City of Broken Arrow excess capacity fees of \$700/acre will be assessed for the development.
4. **Water:** Add a 15-foot utility easement along East 49th Place South for lots 17-32 of Block 3. An IDP (infrastructure development plan) water main extension line is required.
5. **Storm Drainage:** The storm line along the north side of Block 1 must be in an easement. Inlets in sumps must have overland relief in case the storm line becomes plugged. If the relief is not down the street then an overland drainage easement between the homes must be provided and minimum finished floor elevation shown on the face of plat.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** ONG needs 17.5 foot utility easements.
7. **Other: Fire:** Provide fire hydrant coverage per Appendix C of the 2009 International Fire Code.

GIS: Location map shows Stonegate IV label above property being platted, please correct. Subdivision Control data sheet needs to be submitted. Show the square footages and addresses of each lot on the face of plat. Provide utility easement widths along north side of the development. Label the utility easement along the north edge of Lot 20, Block 1, and specify the width. Provide a 2.5- or 3-foot fence easement along the south side of Reserve B. Provide a section on Reserve B.

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 **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **APPROVE** the preliminary plat for Stonegate IV per staff recommendation, subject to special conditions and standard conditions.

* * * * *

12. **PUD-187-22 – Ireneusz Woronko**, Location: 7224 East 62nd Place, west of the southwest corner of South Memorial Drive at East 61st Street South, Requesting a **Minor Amendment** to allow a home occupation for an office (Use Unit 11), (CD-7) (**Staff is requesting a continuance to April 3, 2013 for further review**)

STAFF RECOMMENDATION:

Mr. Wilkerson staff is requesting a continuance because there seems to be some confusion on what's actually a home occupation with internet sales. Mr. Wilkerson stated that he will be discussing this with Janine VanValkenburgh, Legal Department later today. Mr. Wilkerson explained that there is not a rezoning request to allow firearms sale in a residential area. The applicant is not planning to do anything other than just having a license for a Federal Firearms License and an address has to be attached to that license. Staff needs more time to review this before giving a recommendation.

Mr. Midget asked Mr. Wilkerson if he is stating that the applicant will not physically sell firearms at his residence. Mr. Wilkerson stated that this is one of the things that the applicant has agreed to put in writing exactly what his plan is. Mr. Wilkerson further stated that this isn't a retail operation, but an internet brokerage and nothing is on site. Mr. Midget asked if the applicant would be allowed to physically sell firearms if this was approved. Mr. Wilkerson stated that it is his opinion, that if a minor amendment to the PUD that should be specifically prohibited. Mr. Wilkerson further stated that he doesn't believe that the applicant wants to do any transactions at his home.

Applicant was not present.

Mr. Perkins stated that there are a number of speakers signed up to speak; however, staff is requesting a continuance to April 3, 2013.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **CONTINUE** the minor amendment for PUD-187-22 to April 3, 2013.

13. **PUD—571-4 – Roy Johnsen**, Location: North and east of northeast corner of South Memorial Drive and East 81st Street, Requesting a **Minor Amendment** to reduce 15 feet of green space requirement on north end of property to allow outdoor storage, (CD-7) (Applicant is requesting a continuance to April 17, 2013) (Continued from 2/6/13, 2/20/13 and 3/6/13)

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **CONTINUE** the minor amendment to April 17, 2013.

* * * * *

14. **CZ-424 – Istvan Balogh**, Location: Southeast corner of West 51st Street and West Skyline Drive, Requesting rezoning from **RE to AG**, (County)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 203135 dated July 24, 2006, established zoning for the subject property.

RELEVANT ZONING HISTORY:

CZ-378 March 2006: All concurred in approval of a request for rezoning a 25+ acre tract of land from AG to RS for a new residential subdivision on property located on the northwest corner of West 51st Street and South 81st West Avenue, and the subject property is a part of the application.

CBOA-2459 February 2013: An application has been made to the Board of Adjustment for a Use Variance to permit Use Unit 13 in an "AG" district, for a farmer's market, on the subject property. The request is to be heard by the County Board of Adjustment on March 19, 2013.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 3± acres in size and is located Southeast corner of West 51st Street and West Skyline Drive. The property appears to be vacant and is zoned RE.

SURROUNDING AREA: The subject tract is abutted on the east by AG zoned property; on the north by a single family residential area, zoned RE; on the south by vacant land, zoned AG; and on the west by vacant land, zoned AG.

UTILITIES: The subject tract is provided by a rural water district. Sanitary sewer is not available and will be provided by the individual lot owner as permitted by Oklahoma Department of Environmental Quality.

TRANSPORTATION VISION:

The Comprehensive Plan does not provide a vision for any of the streets in this area.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West Skyline Drive	Residential Collector	60	2
West 51 st Street	Secondary Arterial	100	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This 3.3 acre parcel is in Tulsa County and has not been included in The City of Tulsa Comprehensive Plan or the Vision 2000 Comprehensive Plan for the Tulsa Metropolitan Area.

The area is part of a small area that was zoned RE as part of a larger zoning request north of West 51st Street.

STAFF RECOMMENDATION:

The existing development pattern surrounding this 3.3 acre parcel is expected to remain stable as a small agricultural area or large lot residential area and is outside the jurisdiction of the City of Tulsa and the City of Sand Springs. The proposed farmer’s market use is allowed by right in an AG district and will also provide some agricultural products grown on site. The market is anticipated to be a year round operation.

The proposed zoning from RE to AG is consistent with some of the other agricultural business in the area including a small winery near the area.

Staff finds the uses and intensities of CZ-424 to be in harmony with the existing and expected development of surrounding areas and a unified treatment of the development possibilities of the site.

Therefore, staff recommends **APPROVAL** of CA-424 rezoning the entire referenced tract from RE to AG.

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** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel "aye"; no "nays"; none “abstaining”; Stirling, Walker "absent") to recommend **APPROVAL** of the AG zoning for CZ-424 per staff recommendation.

Legal Description for CZ-424:

A part of the South 1320 feet of the East 839.29 feet of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section Twenty- five (25), Township Nineteen (19) North, Range Eleven (11) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: Beginning at the Southeast corner of the SE/4 of said Section 25; thence due North along the East line of said SE/4 a distance of 299.22 feet to a point in the centerline of West 51st Street; thence N 82°35'51" W along said centerline a distance of 38.39 feet; thence Westerly along said centerline on a curve to the left, said curve having a central angle of 27°43'42" and a radius of 442.94 feet, for an arc distance of 214.36 feet; thence continuing Westerly along said centerline on a curve to the left, said curve having a central angle of 17°19'34" and a radius of 650.00 feet, for an arc distance of 196.56 feet; thence S 52°20'53" W along said centerline a distance of 84.69 feet; thence Westerly along said centerline on a curve to the right, said curve having a central angle of 32°31'55" and a radius of 650.00 feet, for on arc distance of 369.06 feet ; thence S 84°52'48" W along said centerline a distance of 8.93 feet; thence due South a distance of 4.69 feet to the South line of said Section 25; thence N 89°40'58" E along said South line a distance of 835.29 feet to the Point of Beginning.

15. CZ-425 – Sisemore, Weisz & Associates, Inc./Darin Akerman,
Location: South of the southwest corner of East 76th Street North and North Yale Avenue, Requesting rezoning from **AG to IL**, (County)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

CZ-298 March 2002: All concurred in approval of a request for rezoning a 19+ acre tract of land from AG to IL for light industrial use on property located on the northwest corner of East 66th Street North and North Yale Avenue and south of subject property.

CZ-297 March 2002: All concurred in approval of a request for rezoning a 14+ acre tract of land from AG to IL for light industrial use on property located on the southwest corner of East 76th Street North and North Yale Avenue, and north of subject property.

CZ-269 September 2000: All concurred in approval of a request to rezone a 17+ acre tract from AG to IM for a proposed office and warehouse, on property located west of the northwest corner of East 66th Street North and North Whirlpool Drive and fronting East 66th Street and U. S. Highway 75 North.

CZ-257 November 1999: All concurred in approval of a request for rezoning a 56+ acre tract of land from AG to IM for industrial uses, on property located on the west side of North Yale Avenue, between East 66th Street North and East 76th Street North and south of subject property.

CZ-217 October 1994: All concurred in approval of a request to rezone a 988+ acre tract from IL to IM, less a 200' strip along East 76th Street, a 150' strip along North Yale Avenue, and eight acres of Amoco property, all of which remained in IL zoning. On property located on the east side of North Yale Avenue between East 61st Street North and East 76th Street North and east of the subject tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 6+ acres in size and is located south of southwest corner of East 76th Street North and North Yale Avenue (Whirlpool Drive). The property appears to be undeveloped and is zoned AG.

SURROUNDING AREA: The subject tract is abutted on the east by North Yale Avenue. Further East across Yale is the Cherokee Industrial Park, zoned IM on the north by vacant land, zoned AG; on the south by vacant land, zoned AG; and on the west by Highway 75, zoned AG.

UTILITIES: The subject tract is provided with City of Tulsa municipal water and sanitary sewer service is available.

TRANSPORTATION VISION:

The Comprehensive Plan does not establish a vision for transportation in Tulsa County outside of the Tulsa City Limits.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Yale Avenue (Whirlpool Drive)	Secondary Arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This parcel is not included in the City of Tulsa Comprehensive Plan however it was included in the 1980-2000 North Tulsa County Comprehensive Plan. This vision identified in this Plan which was developed in 1980 included the entire area east of Highway 75 almost to North Memorial Drive between 76th Street North and 66th Street North was considered an industrial area.

The goals defined in that plan for an industrial area are.

- 1) To preserve and promote the development of efficient industrial areas and districts to have accessibility to a balanced transportation network...to provide efficient and economic movement of people and goods.
- 2) To discourage scattering of unplanned industrial uses in areas planned for other uses by making known the industrial development areas.
- 3) To provide a variety of sites for diversified industrial uses.
- 4) To facilitate efficient utilization of the area's labor force, raw materials and transportation media by encouraging those types of industry which will further stabilize and diversify the economic base.
- 5) Encourage sound industrial development by developing industrial districts so that they provide a full range of public services and by prohibiting from such districts non-industrial uses except those which are directly supportive.

STAFF RECOMMENDATION:

The requested zoning from AG to IL conforms to all of the goals identified in the 1980-2000 North Tulsa County Comprehensive Plan. Staff is confident that the goals and land use areas identified in this comprehensive plan are still consistent with the existing and future development pattern anticipated for this area.

Staff finds the uses and intensities of CZ-425 to be in harmony with the existing and expected development of surrounding areas and a unified treatment of the development possibilities of the site.

Therefore, staff recommends **APPROVAL** of CZ-425 rezoning the entire referenced tract from AG to IL.

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, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to recommend **APPROVAL** of the IL zoning for CZ-425 per staff recommendation.

Legal Description for CZ-425:

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4); THENCE NORTH 01°06'42" WEST ALONG THE EASTERLY LINE OF SAID NE/4 FOR 440.11 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE SOUTH 88°43'28" WEST FOR 1251.37 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE CHEROKEE EXPRESSWAY (U.S. HIGHWAY NO. 75); THENCE NORTH 15°35'00" EAST FOR 0.00 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT, AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, WITH A CENTRAL ANGLE OF 02°13'33", A RADIUS OF 5879.58 FEET, A CHORD BEARING OF NORTH 14°28'13" EAST, A CHORD LENGTH OF 228.41 FEET, FOR AN ARC LENGTH OF 228.42 FEET; THENCE NORTH 88°43'28" EAST FOR 1190.01 FEET TO A POINT ON THE EASTERLY LINE OF SAID NE/4; THENCE SOUTH 01°06'42" EAST ALONG SAID EASTERLY LINE FOR 219.84 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. SAID TRACT OF CONTAINS 268,187 SQUARE FEET OR 6.157 ACRES, MORE OR LESS.

OTHER BUSINESS

None.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel "aye"; no "nays"; none "abstaining"; Stirling, Walker "absent") to **ADJOURN** TMAPC meeting No. 2646.

Mr. Perkins recognized a gentleman from the audience regarding Item 15. Mr. Perkins suggested that he speak with staff regarding this case. Mr. Midget suggested that staff show the gentleman the case map and the exact site that is being rezoned.

There being no further business, the Chair declared the meeting adjourned at 2:16 p.m.

Date Approved:

4-17-13

Jonathan A. Walker

Chairman

ATTEST:

Michelle L. Long
Secretary