

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2651

Wednesday, June 5, 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	Walker	Bates	Tohlen, COT
Carnes		Fernandez	VanValkenburgh, Legal
Dix		Huntsinger	Duke, COT
Edwards		Miller	
Leighty		White	
Liotta		Wilkerson	
Midget			
Perkins			
Shivel			
Stirling			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, May 31, 2013 at 1:12 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, 2nd Vice Chairman Stirling 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 April 2013. Ms. Miller further reported on the BOCC and City Council agendas. Ms. Miller reminded the Planning Commissioners of the workshop scheduled for June 7, 2013 and encouraged them to attend.

Ms. Miller reported that the work session for the West Highlands/Tulsa Hills Small Area Plan has been canceled and no date certain has been set for reviewing this plan.

Perkins in at 1:33 p.m.

1. **Minutes:**

Approval of the minutes of May 15, 2013 Meeting No. 2650

On **MOTION** of **CARNES** the TMAPC voted 9-0-0 (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to **APPROVE** the minutes of the meeting of May 15, 2013, Meeting No. 2650.

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

CONSENT AGENDA

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

2. **LC-488** (Lot-Combination) (CD 2) – Location: North of the northwest corner of West 38th Street South and South 27th West Avenue
3. **LS-20603** (Lot-Split) (County) – Location: Northwest corner of East 166th Street North and North Utica Avenue
4. **LC-490** (Lot-Combination) (CD 4) – Location: Southeast corner of East 6th Street and South Quaker Avenue
5. **LC-491** (Lot-Combination) (CD 4) – Location: Northwest corner of East 5th Street and South Peoria Avenue
6. **LS-19715** (Lot-Split) (CD 5) – Location: South of the southwest corner of East 41st Street South and South 74th East Avenue
7. **LS-20606** (Lot-Split) (County) – Location: South and east of the southeast corner of West 41st Street South and South 69th West Avenue (related to LC-492)
8. **LC-492** (Lot-Combination) (County) – Location: South and east of the southeast corner of West 41st Street South and South 69th West Avenue (related to LS-20606)
9. **LC-493** (Lot-Combination) (CD-4) – Location: West of the southwest corner of East Apache Street and North Sheridan Road (CD 3)

10. **LS-20607** (Lot-Split) (CD-1) – Location: South and west of the southwest corner of West Apache Street and North Union Avenue (Related to LC-494)
11. **LC-494** (Lot-Combination) (CD-1) - Location: South and west of the southwest corner of West Apache Street and North Union Avenue (related to LS-20607)
12. **LS-20609** (Lot-Split) (County) – Location: Northwest corner of 146th Street North and North Memorial Drive
13. **LC-495** (Lot-Combination) (CD-2) – Location: North of the northwest corner of 71st Street South and South Columbia Avenue (related to LS-20610)
14. **LS-20610** (Lot-Split) (CD-2) - Location: North of the northwest corner of 71st Street South and South Columbia Avenue (related to LC-495)
15. **LC-496** (Lot-Combination) (CD-2) – Location: North of east 71st Street South and East of South Timberlane Road (related to LS-20612)
16. **LC-497** (Lot-Combination) (CD-2) – Location: North of East 71st Street South and East of South Timberlane Road (related to LS-20611)
17. **QuikTrip 0017-** Final Plat, Location: Southeast corner of Southwest Boulevard and West 23rd Street South (9214) (CD-2)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 1.74 acres.

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

18. **Stonegate III –** Final Plat, Location: East of the northeast corner of East 51st Street South and South 177th East Avenue (9425) (CD-6)

STAFF RECOMMENDATION:

This plat consists of 70 lots, five blocks on 18.19 acres.

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

19. **South Mingo Plaza – Final Plat**, Location: South of Southeast corner of South Mingo Road and East 81st Street South (8418) (CD-7)

STAFF RECOMMENDATION:

This plat consists of four lots, one block on 7.68 acres.

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

20. **Amendment to Covenants –** Location: Woodland Hills Mall, Blocks 2, 3, 4 and 5, PUD-186-A-1.

21. **Change of Access -** Location: Southwest corner of East 51st Street South and South Memorial Drive

STAFF RECOMMENDATION:

This application is made to allow a change of access to shift one access along East 51st Street South and to limit access along South Memorial Drive. The property is zoned CS (commercial shopping).

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.

22. **Change of Access –** Location: Northeast corner of East 58th Street and South Mingo Road

STAFF RECOMMENDATION:

This application is made to allow a change of access to add one access along South Mingo Road. The property is zoned IL (industrial light).

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.

23. **Change of Access –** Location: North of northwest corner of East 51st Street South and South Harvard Avenue

STAFF RECOMMENDATION:

This application is made to allow a change of access to create an access for a QuikTrip location where a LNA (limits of no access) exists on the old original plat. The property is zoned CO (Corridor).

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.

24. **Z-7008-SP-3 – Sack and Assoc., Inc/Mark Capron**, Location: Northeast corner East 81st Street South and South Olympia Avenue, Requesting a **Detail Site Plan** for a new furniture store in Tulsa Hills Shopping Center, CO, (CD-2)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a new furniture store in Tulsa Hills Shopping Center.

PERMITTED USES:

The following uses are permitted in Z-7008-SP-3:

Those uses permitted by right in use units 10, off street parking; 11, offices and studios, including drive-thru banking facilities; 12, Entertainment establishments and eating establishments and other than drive ins; 13, convenience goods and services; 14 shopping goods and services; 17' hotel/motel and recreational facilities (Hotel and Motel only; storm water drainage and detention facilities; and uses customarily accessory to permitted uses. CS excluding Adult Entertainment (Use Unit 12a)

Staff Comment: The proposed furniture store is use unit 14 and allowed by right.

DIMENSIONAL REQUIREMENTS:

The new building shown on the site plan is a 36,574 square foot single-story structure and is smaller than the 36,673 square foot structure allowed by Z-7008-SP-3. The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Corridor Development Plan guidelines are required for approval of this site plan.

ARCHITECTURAL GUIDELINES:

The new buildings are not limited by architectural style in the Corridor Development Plan.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan exceeds the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

LIGHTING:

Site lighting plans and details are provided. The plan illustrates a design that meets the minimum standards outlined in the Corridor Development Plan and in the Zoning Code.

SIGNAGE:

The site plan does not illustrate ground, monument or wall sign locations which require a separate permit. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving 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 and screening is consistent with the Corridor Plan requirements and it meets the minimum standards of the Landscape portion of the Tulsa Zoning Code.

The trash screening enclosure meets the minimum screening standards defined in the Corridor Plan 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, but it should be noted that the property adjacent to the east property is significantly below the finished floor elevation of the proposed building. It is important to consider terrain as part of future lighting plans.

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved Corridor Plan Z-7008-SP-3. The site plan submittal meets or exceeds the minimum requirements of the Corridor Plan. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Corridor Plan Z-7008-SP-3, and the stated purposes of the Corridor section 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.)

25. **AC-122 – AAB Engineering/QuikTrip**, Location: Southeast corner of South Mingo Road and East 91st Street South, Requesting an **Alternative Compliance Landscape Plan** for new convenience store, (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for a new convenience store at 9111 South Mingo Road.

Staff Analysis:

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the Tulsa Zoning Code as noted below:

- 1) Several parking spaces near the front entrance of the proposed convenience store do not meet the requirement that all parking spaces must be within 50' of a green space with a tree.

Staff Recommendation:

The overall landscape concept includes significant additional green space with shrub planting between the property line and the back of the parking curb. The typical corporate image provided with this plan provides 430+ shrubs and large irrigated lawn areas as part of the alternative compliance landscape plan.

The applicant has provided a landscape plan that exceeds the minimum number of trees required plus they are providing a streetscape environment that provides a recognizable corporate image for this site.

All landscape areas will be irrigated with an automatic irrigation system.

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-122.

26. **AC-123 – David Henke, Crafton Tull**, Location: 10021 South Mingo Road, Requesting an **Alternative Compliance Landscape Plan** for new convenience store, (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan for a new convenience store at 10211 South Mingo Road.

Staff Analysis:

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the Tulsa Zoning Code as noted below:

- 1) Four parking spaces near the front entrance of the proposed convenience store do not meet the requirement that all parking spaces must be within 50' of a green space with a tree.

Staff Recommendation:

The overall landscape concept includes significant additional green space with shrub planting between the property line and the back of the parking curb. The typical corporate image provided with this plan provides 218 shrubs and large irrigated lawn areas as part of the alternative compliance landscape plan.

The applicant has also provided a landscape plan that adds 4 trees above the minimum number of trees required. The overall design of the streetscape environment provides a recognizable corporate image for this site.

All landscape areas will be irrigated with an automatic irrigation system.

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-123.

27. **PUD-307-C – Sisemore Weisz & Associates, Inc./ Darin Akerman,**
Location: West of South Lewis Avenue and North of 71st Street South, Requesting a **Detail Site Plan** for a proposed town center building and a new dining/living area, associated site improvements for parking, and other supportive items, (CD-2)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a proposed town center building and a new dining/living area and associated site improvements for parking, sidewalks, generator and other support items.

PERMITTED USES:

The following uses are permitted in this development area: Elderly housing apartments, extended care facility, administrative office, dining facilities and accessory uses. All proposed uses are allowed within the approved Development Standards of the Planned Unit Development.

DIMENSIONAL REQUIREMENTS:

The new buildings shown conform to the conceptual plan identified in the PUD 307-C amendment. 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:

There is no architectural style or material guidelines outlined in the Planned Unit Development.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan provides more parking spaces than the required minimum defined in the Tulsa Zoning Code and in the PUD.

LIGHTING:

Parking lot and building lighting will be directed down to help prevent light trespass into the adjacent properties. The maximum height of lighting is at or below the maximum allowed in the approved PUD. The photometric plan attached to this report shows zero foot candles at the property perimeter and is consistent with the lighting concept in the Planned Unit Development.

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.

Future wall sign locations are shown on the north and west wall faces. The PUD prohibits wall signs facing east and south. Wall signs are not proposed on those wall faces.

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 arterial 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 307-C. 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 307-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.)

28. **PUD-360-B-2 – Ron Kitchen**, Location: Northwest corner of South Memorial Drive at East 91st Street South, Requesting a **Minor Amendment** to increase the allowable floor area of Use Unit 5 Children's Nursery from 3,000 to 4,300 square feet, within the existing building, (CD-8)

STAFF RECOMMENDATION:

Concept Statement:

The original PUD 360 - B was approved in February of 2003 allowing 3000 square feet of Children's Nursery. In addition to the size limitation several other items were restricted included hours of operations, building orientation, entrance location and prohibited exterior playground equipment.

This request does not change any of the previous restrictions except that it does request an additional 1300 square feet of space inside an existing building for the nursery.

Minor Amendment Summary:

1. Minor Amendment to modify the maximum floor area for Use Unit 5 (Children's Nursery) from 3000 square feet to 4300 square feet all to be placed inside an existing building.

Staff Recommendation:

The amendment request to increase the floor area allowed inside an existing building is consistent with the provisions of a minor amendment

defined in Section 1107.H. No additional building floor area is being proposed, only the Children's Nursery floor area is being adjusted.

Among several primary purposes of a Planned Unit Development as defined in Section 1101.A is to "Permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties".

All provisions in the PUD affecting the adjoining properties are remaining as specified in the 2003 major amendment.

The amendment does not result in a significant departure of the original Planned Unit development and does not adversely affect surrounding properties.

Therefore staff recommends **APPROVAL** of the minor amendments outlined above.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the consent agenda Items 2 through 28 per staff recommendation.

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PUBLIC HEARINGS:

29. **LS-20604** (Lot-Split) (County) – Location: East of the southeast corner of East 126th Street North and North Mingo Road (related to LC-489)

STAFF RECOMMENDATION:

Staff is requesting a continuance to 6/19/13.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-1** (Carnes, Covey, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; Dix "abstaining"; Walker "absent") to **CONTINUE** the lot-split for LS-20604 to June 19, 2013.

LS-20604 is related to LC-489:

30. **LC-489** (Lot-Combination) (County) – Location: East of the southeast corner of East 126th Street North and North Mingo Road (related to LS-20604)

STAFF RECOMMENDATION:

Staff is requesting a continuance to 6/19/13.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-1** (Carnes, Covey, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; Dix "abstaining"; Walker "absent") to **CONTINUE** the lot-split for LS-20604 to June 19, 2013.

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31. **LS-20611** (Lot-Split) (CD 2) – Location: North of East 71st Street South and East of South Timberlane Road (related to LC-497)

STAFF RECOMMENDATION:

The lot-split proposal is to split an existing RS-1 (Residential Single-Family) tract into two tracts. The smaller of the two tracts will be combined with Lot 9 per LC-497 to increase the frontage of that tract. The resulting tract will exceed the Bulk and Area Requirements of the City of Tulsa Zoning Code.

The resulting tract will 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 reviewed the lot-split information and had no comments.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the waiver of *Subdivision Regulations* and the lot-split.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for LS-20611 per staff recommendation.

32. LS-20612 (Lot-Split) (CD 2) – Location: North of East 71st Street South and East of South Timberlane Road (related to LC-496)

STAFF RECOMMENDATION:

The lot-split proposal is to split an existing RS-1 (Residential Single-Family) tract into two tracts. The smaller of the two tracts will be combined with Lot 8 per LC-496 to increase the rear yard of that tract. The resulting tract will exceed the Bulk and Area Requirements of the City of Tulsa Zoning Code.

The resulting tract will 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 reviewed the lot-split information and had no comments.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the waiver of *Subdivision Regulations* and the lot-split.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the waiver of Subdivision Regulations and the lot-split for LS-20612 per staff recommendation.

33. **BancFirst 56th & Lewis Addition** – Preliminary Plat, Location: North of Northeast corner of East 61st Street South and South Lewis Avenue, (9332) (CD 9)

STAFF RECOMMENDATION:

This plat consists of two lots, one block on 1.2 acres.

The following issues were discussed May 16, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 333A/B.
2. **Streets:** If there are to be two lots then Mutual Access Easements for both lots to provide ingress and egress are needed. Lewis platted access should match actual width of driveway.
3. **Sewer:** Show existing book and page for east/west running sewer line along the south side of unplatted property or denote “sewer easement by separate instrument”. Minimum sewer easement 11 feet along the south lot line of unplatted property.
4. **Water:** The six-inch waterline along East 56th Place South may need to be lowered, if it is in conflict with the proposed driveways.
5. **Storm Drainage:** Off-site drainage flowing onto Lot 2 from the east may need to be collected at the east property line, and thence be conveyed across the property in a public drainage system, located in the appropriate easements.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.
7. **Other: Fire:** No comments.

GIS: Label all subdivisions within the mile section of the location map. Show degree descriptions appropriately. 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.

INTERESTED PARTIES COMMENTS:

Charles Cole, 2150 South Norfolk Terrace, 74114, expressed concerns with the lighting on the site.

Mr. Leighty stated that lighting issues are not addressed during the preliminary plat. Mr. Leighty stated that the lighting details are taken care of during the detail site plan process.

Mr. Perkins requested staff to talk with Mr. Cole about the lighting.

Applicant indicated his agreement with the staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the preliminary plat for BancFirst 56th & Lewis Addition, subject to special conditions and standard conditions per staff recommendation.

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34. **QuikTrip 0041** – Preliminary Plat, Location: Northwest corner of I-44/Skelly Drive and South Harvard Avenue (9329) (CD 9)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 2.8 acres.

The following issues were discussed May 16, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Corridor Z-7221-SP-1Z-7220 SP-1/Z-5412 - SP 3.
2. **Streets:** Provide 30-foot corner radius at the intersection of Harvard and Skelly Drive. Show sidewalks along Skelly Drive.
3. **Sewer:** No comments.
4. **Water:** No comments.

5. **Storm Drainage:** The entire site is within the City of Tulsa Regulatory Floodplain and must be placed in an overland drainage easement, with the exception of the portion that is removed from the floodplain by this project.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** No comments.

GIS: Submit a subdivision control data form. Separate instrument easements shown on the plat must be filed and their document numbers placed on the plat prior to finalizing the plat. Add standard language for street and utility easement dedication. Remove the second paragraph from Section IK.

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; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the preliminary plat for QuikTrip 0041, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Mr. Perkins stated that the Planning Commission can't go back and address Item 32, but there was an interested party signed up to speak. Mr. Perkins further stated that if the interested party has something compelling to add the Planning Commission could move to reconsider it.

INTERESTED PARTIES COMMENTS:

Mary Harris, 2829 East 67th Court, 74136, stated that her property adjoins the subject lot and expressed concerns about the creek that runs along the properties. She indicated that it is never maintained and there is overgrowth of vegetation and old pipes in the ditch.

Ms. Harris was advised to contact the City and file a complaint to have this addressed.

* * * * *

35. **700 West 71 Center** – Preliminary Plat, Location: West of the Northwest corner of West 71st Street South and South Elwood Avenue (8202) (CD 2)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 4.7 acres.

The following issues were discussed May 16, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS (commercial shopping) and OL (office light).
2. **Streets:** Remove the 25-foot access onto 71st Street. In Section IK include a sidewalk connection to north property line, for future development of north tract. Remove the driveway directly onto 71st Street. Show sidewalks per above. Any retaining walls in easements will need an easement agreement through Engineering services.
3. **Sewer:** The sewer easement overlaps the PSO easement; reduce the sewer easement to 15 feet along the PSO easement. Add bearings and distances to the proposed on site sewer line easement. Proposed sewer line under pavement required to be ductile iron pipe from manhole to manhole. The proposed service connection cannot be allowed to directly connect into the manhole; a service tap connection is required.
4. **Water:** Where the proposed plat is adjacent to an existing utility easement, an 11-foot perimeter utility easement will be allowed. Otherwise, a 17.5-foot perimeter utility easement is required. Show the adjacent existing easement from the QuikTrip 0107 plat. If there is no restricted water line easement then there is no need for the covenant language. It looks like a new waterline is being proposed along the west property line of Lot 1, where a six-inch water line should have been previously constructed under IDP 5921. If you are planning to extend the existing waterline further north, then you will need to provide additional easement for the line.

5. **Storm Drainage:** Show and label Hager Creek Tulsa Regulatory floodplain. The limits of the floodplain must be shown by plotting the 100-year fully urbanized floodplain from the Hager Creek profiles in the southwest master drainage plan, after converting them to NAVD 1988 vertical datum. The floodplain, plus an additional 20 feet for access, must be placed in an overland drainage easement. Storm sewer easements are required for the storm sewer outlet pipes from the stormwater detention facility if they extend beyond the property line. Add the standard language for overland drainage easement. Drainage from all new impervious areas on the site must be collected and piped to adjacent public drainage systems.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comments.

GIS: Fix location map errors. Submit subdivision control data sheet. Show lot sizes in square footages.

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.

INTERESTED PARTIES COMMENTS:

Catherine Klehm, 970 West 68th Street, 74132, expressed concerns for space or greenbelt between her property and the subject property.

In response to Mr. Leighty's statements, Ms. Miller stated that this is not a request for rezoning this is for a plat. There is no commercial zoning near Ms. Klehm's property.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, 74105, stated that a PUD has been filed on the subject property and only the south portion will be office and the back portion will be a detention pond. There is green space in the back of the platted property and Ms. Klehm's property. Mr. Jones stated that he will give Ms. Klehm his business card and be in contact with her to address any concerns.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the preliminary plat for 700 West 71 Center, subject to special conditions and standard conditions per staff recommendation.

* * * * *

36. **103 Memorial Center** – Preliminary Plat, Location: South of the Southwest corner of 101st Street South and South Memorial Drive (8326) (CD 8) (Continued from May 15, 2013 TMAPC meeting.)

STAFF RECOMMENDATION:

This plat consists of 1 Lot, 1 Block, on 7.38 acres.

The following issues were discussed May 16, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS (commercial shopping) and AG (agricultural).
2. **Streets:** Sidewalks will be needed internal to the site, along with Memorial. Add east-west sidewalk to south of site, and north-south sidewalk.
3. **Sewer:** No comment.
4. **Water:** If a water line will be installed along the 3- foot ADU/E (mutual access, drainage and utility easement) a restricted waterline easement (RWE) will be required. Remove the line that runs diagonally across the lot. Waterline running along the east property line is probably not needed. A restricted waterline easement can only be used for water. Overlapping it with a utility and drainage easement is contrary to the RWE's intended use. ADU/E should be changed to mutual access easements, utility easements, and storm sewer.
5. **Storm Drainage:** If the storm sewer will be placed in a storm sewer easement, then the standard covenant language must be added. Conceptual plan needed. It is acceptable to place a storm sewer in a utility easement. Off-site drainage flowing onto the site must be collected at the property line and conveyed across the site in the appropriate public easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.

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

GIS: Fix the location map errors. Tie plat to the section corner by moving the point of commencement to the northeast corner of the northeast quarter of section 26. The basis of bearing should be clearly described and stated in degrees, minutes, and seconds. Submit a subdivision data control sheet.

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; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the preliminary plat for 103 Memorial Center, subject to special conditions and standard conditions per staff recommendation.

* * * * *

Mr. Liotta recused himself from Item 37. Mr. Liotta out at 1:55 p.m.

37. **11400 Yale Center** – Minor Subdivision Plat, Location: South of Southwest corner of East 116th Street North and North Yale Avenue (2309) (County)

STAFF RECOMMENDATION:

This plat consists of 1 Lot, 1 Block, on 6.9 acres.

The following issues were discussed May 16, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** Minimum width required for two-way access is 24 feet (Is mutual access easement one-way?) Remove reference to sidewalk along reserve and this is a one lot, one block subdivision.

3. **Sewer:** Private systems.
4. **Water:** Rural Water District # 3 will serve site.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed. ONG service is over a mile away.
7. **Other: Fire:** A release letter is needed from the fire department servicing the site.

GIS: State scale for location map. Show north arrow and label point of commencement. Show and label the point of beginning for lot 1, and the point of beginning for Reserve A on face of plat.

County Engineer: There will be a private agreement for the two existing billboards in the Reserve Area

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 County Engineer must be taken care of to his 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.

INTERESTED PARTIES COMMENTS:

Tommy Hall, 11308 North Yale, Sperry, 74073, expressed concerns with large trucks making noise and screening. Mr. Hall stated that the applicant talked to his neighbors on each side of him and he wished they had taken in consideration to take his property as well. Mr. Hall indicted that he would have worked with them.

TMAPC COMMENTS:

Mr. Leighty asked staff if Mr. Hall's property is zoned IL. Staff indicated that Mr. Hall's property is zoned IL.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Liotta, Walker "absent") to **APPROVE** the plat waiver for 11400 Yale Center per staff recommendation.

* * * * *

Mr. Liotta in at 2:00 p.m.

38. **PUD-795** – Plat Waiver, Location: Southeast corner of West Easton Place and North Xenophon Avenue (9203) (CD 4)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a PUD for a school reuse.

Staff provides the following information from TAC for their May 16, 2013 meeting:

ZONING: TMAPC Staff: The lot is in an existing platted lot with existing infrastructure.

STREETS: Sidewalks must be provided along all streets per subdivision regulations.

SEWER: No comment.

WATER: No comments.

STORMWATER: No comments.

FIRE: No comments.

UTILITIES: No comments.

Staff recommends **APPROVAL** of the plat waiver for the platted property.

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

- | | Yes | NO |
|---|-----|----|
| 1. Has Property previously been platted? | X | |
| 2. Are there restrictive covenants contained in a previously filed plat? | X | |
| 3. Is property adequately described by surrounding platted properties or street right-of-way? | X | |

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

- | | YES | NO |
|--|-----|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? | | X |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | | X |

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

Note: If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office by the applicant.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the plat waiver for PUD-795 per staff recommendation.

39. **Z-7228 – Teena S. Kilian**, Location: West of South Memorial Drive between East 1st Street and East 2nd Street, Requesting rezoning from **RS-3 to OL**, (CD-3)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

BOA-15699 April 23, 1991: The Board of Adjustment **approved** a *Variance* to permit a small identification sign for an approved home occupation (musical instruments sales and repair; subject to the sign being located on Memorial Drive, with a maximum size of 2' by 3'; no automobile signs; finding that there are only two homes zoned residential along Memorial Drive in this mile, on property located at 110 South Memorial Drive and is a part of the subject property.

BOA-15605 December 6, 1990: The Board of Adjustment **approved** a *Special Exception* to permit music instrument and service as a home occupation; and **denied** a *Variance* to permit a small identification sign with the home occupation, subject to strict compliance with the Home Occupation Guidelines, with days and house of operation being Monday through Saturday, 10 a.m. to 6 p.m., on property located at the southwest corner East 1st Street and South Memorial Drive and is also a part of the subject property.

BOA-14712 January 21, 1988: The Board of Adjustment **approved** a *Special Exception/Use Variance* to permit to allow for a home occupation/barber shop in an RS-3 district; per Home Occupation Guidelines; subject to 2 existing inside window signs and 2 existing decorative barber poles on the Memorial Drive frontage only; and days and hours of operation being Tuesday through Saturday, 9 a.m. to 6 p.m.; and no expansion of the existing structure or parking lot, on property located at 8033 East 2nd Street and is a part of the subject property.

Surrounding Property:

BOA-19252 December 11, 2001: The Board of Adjustment **approved** a *Special Exception* to permit a drive-thru bank facility, per plan, on condition that it is understood the plan is in error, that there can be no left turn lane onto Memorial because of the median at 2nd Street, on property located at the southwest corner of East 2nd Street and South Memorial Drive and abutting south of subject property.

Z-6407 July 1993: All concurred in **denial** of a request for rezoning a tract of land from OL to CG for auto sales, on property located on the southwest corner of East 2nd Street and South Memorial Drive and abutting south of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .38± acres in size and is located West of South Memorial Drive between East 1st Street and East 2nd Street. The property appears to be -- and is zoned RS-3.

SURROUNDING AREA: The subject tract is abutted on the east by South Memorial Drive then further east by a large commercial area all zoned CH; on the north by a commercial area at the intersection of East Admiral Place at South Memorial Drive also zoned CH; on the south by a bank zoned OL; and on the west by a single family residential subdivision zoned RS-3.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates South Memorial Drive as a Primary Arterial Commuter Street.

Commuter Street:

The most widespread commercial street type is the strip commercial arterial, these arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Drive	Primary Arterial/Commuter Street	120	5
East 1 st Street	Non Classified	50 feet	2
East 2 nd Street	Non Classified	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Areas of Stability:

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Staff Comment: Both lots reviewed by this zoning request are adjacent to South Memorial Drive and are on the extreme east edge of an existing single family residential neighborhood. Each lot is 67 wide. The OL zoning is not appropriate for this small of a parcel because of the bulk and area requirements imposed by that zoning classification. The minimum building setback from South Memorial in an OL district is 50'. The minimum building setback from the remaining residential property west of the requested site is 10', leaving a 7 foot strip in the middle of the lot that would allow any type of a structure.

A small infill project that establishes an OL buffer at this general location may be an appropriate concept within an Area of Stability however this narrow request would create unusable lots for office uses.

Existing Residential Neighborhoods:

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

STAFF RECOMMENDATION:

The request for re-zoning from RS-3 to OL is not consistent with the Comprehensive Plan vision of the area. The bulk and area requirements for OL zoning would severely restrict the re-development opportunities for this site and would not encourage rehabilitation, improvements or replacement of existing structures.

Previous actions by the Board of Adjustment have recognized that home occupations may be an allowable use at this location and staff agrees that an appropriate size parcel which could support an OL use could create a buffer between the rest of the neighborhood and South Memorial Drive.

In this request the small lot sizes will not provide a meaningful OL transition zone that has been created south of this site.

This particular request is not consistent with the existing or expected development pattern in the neighborhood. However, a larger light office (OL) project may be an acceptable use in this neighborhood if the offices were developed facing Memorial Drive.

Therefore staff recommends **Denial** of the request to rezone these parcels from RS-3 to OL.

TMAPC COMMENTS:

Mr. Midget asked if the houses face Memorial. Mr. Wilkerson stated that he doesn't know which direction the front is because their addresses are not on Memorial. Mr. Wilkerson stated that they actually do face the side streets. Mr. Wilkerson further stated that there have been BOA cases that have allowed home occupations.

Applicant's Comments:

Teena Kilian, Carr and Warners, 4000 One, 74172, representing Arvest Bank, stated that Arvest Bank is under contract to purchase the subject property, Lot 14, to use as a parking lot and an ATM. Ms. Kilian indicated that Arvest would be in compliance with the requirements for the proposed use. Ms. Kilian stated that Lot 1 would be a little more concern with meeting the requirements. Ms. Kilian commented that on both properties the front doors face Memorial. Ms. Kilian stated that Lot 14 is being used as a barber shop and Lot 1 was being used as a music store (both as home occupations). Lot 1 would not be in compliance if it were rezoned to IL, but it is her opinion that a future purchaser of Lot 1 would probably use the existing structure as it has been used previously (home occupation). Ms. Kilian pointed out two additional homes in the subject area that has stated they are interested in rezoning their properties to IL as well.

William E. Wright, 110 South Memorial, 74112, cited the history of his property and stated that he ran a music store out of his home. Mr. Wright requested that the Planning Commission approve the commercial use because it has been commercial for 12 years.

TMAPC COMMENTS:

Mr. Leighty stated that it would have been helpful if there had been some pictures of the two properties. Mr. Leighty further stated that he hates to go against staff recommendation, but he has to agree that this is one of the busiest commercially developed corridors in all of Tulsa and for this to remain residential doesn't seem like it really makes a lot of sense. Mr. Leighty concluded that considering the intended use for the ATM and parking he has no objection to it.

Mr. Covey stated that he will be supporting this. One property is already being used as a music store and one as a barber shop. This is on a busy corridor and he doesn't see how it will remain residential.

In response to Mr. Edwards, Mr. Wilkerson stated that the barber shop is in the home. The Board of Adjustment granted a special exception for the barber shop and the music store as home occupations. Mr. Wilkerson explained that his concern is that there are two lots that would be undevelopable based on OL zoning bulk and area requirements without going through the Board of Adjustment.

Mr. Carnes stated that he doesn't believe these homes can be used as residential.

Mr. Perkins recognized Mr. Wright.

Mr. Wright stated that QuikTrip has purchased property on First Street and when they move in it will light up the subject corner and make the subject houses as bright as it can be and no one will want to live right against QuikTrip and Walmart across the street.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the OL zoning for Z-7228.

Legal Description for Z-7228:

Lots 1 and 14, Block 8, Tommy-Lee Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

Mr. Perkins asked if the next five items could be heard together, but voted on individually. Mr. Wilkerson answered affirmatively. Mr. Wilkerson stated that Items 40 through 44 were filed to clean up the zoning. Mr. Wilkerson further stated that staff is recommending **APPROVAL** for Items 40 through 44.

- 40. **Z-7229 – Tulsa Airport Improvement Trust (TAIT)/ Mike Kerr**, Location: Southeast corner of East Port Road and North Sheridan Road, Requesting rezoning from **RS-1/IL to IL**, (CD-3)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11910 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6901 September 2003: All concurred in approval of a request for rezoning a 362± acre tract of land from RS-1/ RS-3/ CS/ IL to IM for industrial use associated with aviation, on property located south of Port Road and west of North Memorial Drive and is east of subject property.

BOA-17523 September 24, 1996: The Board of Adjustment **approved** a *Special Exception* to allow a public airport in various zoning districts; a *Variance* of the 3 year time limit to utilize a Special Exception for future airport development on “Tract 6”; and a *Variance* to allow airport accessory uses on lots other than where principal uses are located; per plan submitted, on property located north of Gilcrease Expressway between 73rd East Avenue and North Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 32± acres in size and is located southeast of southeast corner of East Port Road and North Sheridan Road. The property is being used as the north end of a major north south runway at Tulsa International Airport appears to be vacant and is zoned RS-1/ IL.

SURROUNDING AREA: The subject tract is surrounded by Tulsa Airport Authority property all industrial zoned property and used by the airport.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates East Port Road as a Freight Corridor with future Rail Transit.

Freight Corridors are typically of great economic importance, designed to enhance freight movement while serving to improve domestic interstate and intrastate trade. These corridors usually serve as gateways to and from critical destination points, allowing for increased access. These areas typically are designed with wider street lanes and higher bridge clearances.

Rail Transit element of The Comprehensive Plan anticipates possible streetcar, light rail and commuter rail service. Of the possible types of rail it is most likely that Commuter Rail would be placed in this area. Commuter rail provides advantages over the automobile and as demand increases it can easily be expanded by adding cars to the trains or by increasing the frequency of service. Thus, rail can serve densely built areas such as downtown and spur urban densities in strategic corridors throughout Tulsa more efficiently than vehicles alone. Rail corridors also play a vital role in providing access to special events, sports and cultural facilities, and entertainment.

Staff Comment: The long term vision for the street in this area is years away from implementation. There is no foreseeable street improvement that would affect this development.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Port Road	Primary Arterial	120	4 + turn lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an area of ‘Employment’ and an ‘Area of Growth’.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterial or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when

employment districts are near other districts that include moderate residential use.

Staff Comment: The IL request is consistent with the existing and anticipated development in the area. The site is currently being used as part of the Tulsa International Airports North-South runway. Any future development in this area is very unlikely. However, if new development did ever occur it would be of a similar nature to those that already exist and would support the Tulsa Comprehensive Plans vision for an Employment Area.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exist that development or redevelopment is beneficial.

Staff Comment: This re-zoning request will unify property owned by the Tulsa Airport Improvement Trust will allow for the already existing employment and will help to encourage future growth in this area.

STAFF RECOMMENDATION:

The proposed rezoning application is for a tract in excess of 32 acres that is currently being utilized as part of the main north/south runway at the Tulsa International Airport. This application is designed to rezone a smaller portion of the overall tract for the sake of creating a property with uniform zoning.

Staff finds the uses and intensities of the proposed rezoning request from RS-1/IL (Residential Single-Family/Industrial Light) to IL (Industrial Light) to be:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan; and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from RS-1/IL to IL:

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the IL zoning for Z-7229 per staff recommendation.

Legal Description for Z-7229:

A tract of Land located in the Northeast Quarter of the Northwest Quarter of Section 23, T-20-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly describes as follows: Beginning at the Northwest corner; Thence N88°49'27"E 1,320.511 feet to the "Point of Beginning"; Thence N88°49'27"E 981.595 feet to a point; Thence S00°47'48"E 755.502 feet to a point; Thence N89°12'00"E 345.472 feet to a point; Thence S01°20'36"E 145.414 feet to a point; Thence N88°36'04"W 187.356 feet to a point; Thence S01°37'33"W 426.538 feet to a point; Thence S88°47'53"W 1,112.723 feet to a point; Thence N01°14'27"W 1,321.284 feet back to the "Point of Beginning"; Said tract containing 32.2022 acres more or less.

* * * * *

- 41. **Z-7230 – Tulsa Airport Improvement Trust (TAIT)/ Mike Kerr**, Location: East of the southeast corner of East Port Road and North Sheridan Road, Requesting rezoning from **RS-3/IM to IM**, (CD-3)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11603 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6901 September 2003: All concurred in approval of a request for rezoning a 362± acre tract of land from RS-1/ RS-3/ CS/ IL to IM for industrial use associated with aviation, on property located south of Port Road and west of North Memorial Drive and is east of subject property.

BOA-17523 September 24, 1996: The Board of Adjustment **approved** a *Special Exception* to allow a public airport in various zoning districts; a *Variance* of the 3 year time limit to utilize a Special Exception for future airport development on "Tract 6"; and a *Variance* to allow airport accessory uses on lots other than where principal uses are located; per plan submitted, on property located north of Gilcrease Expressway between 73rd East Avenue and North Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8± acres in size and is located east of southeast corner of East Port Road and North Sheridan Road. The property appears to be vacant and is zoned RS-3/IM.

SURROUNDING AREA: The subject tract is abutted on the east by Tulsa Airport property, zoned IM; on the north by East Port Road then Mohawk Park, zoned RS-3; on the south by Tulsa Airport Authority property zoned IL/IM; and on the west by the main North South Runway at Tulsa International Airport, zoned RS-3/IL.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates East Port Road as a Freight Corridor with future Rail Transit.

Freight Corridors are typically of great economic importance, designed to enhance freight movement while serving to improve domestic interstate and intrastate trade. These corridors usually serve as gateways to and from critical destination points, allowing for increased access. These areas typically are designed with wider street lanes and higher bridge clearances.

Rail Transit element of the new Comprehensive Plan anticipates possible streetcar, light rail and commuter rail service. Of the possible types of rail it is most likely that Commuter Rail would be placed in this area. Commuter rail provides advantages over the automobile and as demand increases it can easily be expanded by adding cars to the trains or by increasing the frequency of service. Thus, rail can serve densely built areas such as downtown and spur urban densities in strategic corridors throughout Tulsa more efficiently than vehicles alone. Rail corridors also play a vital role in providing access to special events, sports and cultural facilities, and entertainment.

Staff Comment: The long term vision for the street in this area is years away from implementation. There is no foreseeable street improvement that would affect this development.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Port Road	Primary Arterial	120	4 + turn lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an area of 'Employment' and an 'Area of Growth'.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterial or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Staff Comment: The IM request is consistent with the existing and anticipated development in the area. If any new development did occur it would be of a similar nature to those that already exist and would support the Tulsa Comprehensive Plans vision for an Employment Area.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exist that development or redevelopment is beneficial.

Staff Comment: This re-zoning request will unify property owned by the Tulsa Airport Improvement Trust will allow for the already existing employment and will help to encourage future growth in this area.

STAFF RECOMMENDATION:

The proposed rezoning application is for a tract in excess of eight acres that is owned by the City of Tulsa/Tulsa Airport Improvement Trust and is utilized as the Airport Museum. This application is designed to provide consistent zoning around all of the property at the Airport Museum.

Staff finds the uses and intensities of the proposed rezoning request from RS-3/IM (Residential Single-Family/Industrial Moderate) to IM (Industrial Moderate) to be:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan; and

- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from RS-3/IM to IM:

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the IM zoning for Z-7230 per staff recommendation.

Legal Description for Z-7230:

A tract of Land located in the Southeast Quarter of the Southwest Quarter of Section 14, T-20-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly describes as follows: Beginning at the Southwest corner; Thence N88°49'03"E 2,308.064 feet to the "Point of Beginning"; Thence N88°49'18"E 541.631 feet to a point; Thence N01°04'27"W 679.896 feet to a point; Thence N04°37'06"W 21.066 feet to a point; Thence N11°56'26"W 41.895 feet to a point; Thence S71°07'09"W 127.256 feet to a point; Thence S73°44'24"W 77.051 feet to a point; Thence S75°43'30"W 79.449 feet to a point; Thence S77°57'55"W 100.064 feet to a point; Thence S79°41'57"W 74.220 feet to a point; Thence S81°34'54"W 85.744 feet to a point; Thence S00°47'48"E 623.928 feet back to the "Point of Beginning"; Said tract containing 8.3483 acres more or less.

* * * * *

42. **Z-7231 – Tulsa Airport Improvement Trust (TAIT)/ Mike Kerr**, Location: North and west of East 41st Street North and North Mingo Road, Requesting rezoning from **RS-3 to IL**, (CD-3)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11603 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7203 May 2012: All concurred in approval of a request for rezoning a 28± acre tract of land from AG/RMH to IM for aviation use, on property

located South and east of the southeast corner of North Mingo Road and East 46th Street North

Z-7187 January 2012: All concurred in approval of a request for rezoning a .58± acre tract of land from RS-3/IL to IL for Use Unit 23 warehouse use, on property located northwest corner of North Mingo Road and East 46th Street North.

Z-6596 July 1997: All concurred in approval of a request for rezoning a 7.5± acre tract of land from RS-3 to IL for a bingo facility, on property located on the southwest corner of East 46th Street North and North Mingo Road.

Z-6375 December 1992: All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located west of the northwest corner of North Mingo Road and East 46th Street North

Z-6142 March 1987: All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located on the southwest corner of East 42nd Street and North Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 30± acres in size and is located North and west of East 41st Street North and North Mingo Road. The property appears to be vacant and is zoned RS-3.

SURROUNDING AREA: The subject tract is abutted on the east by vacant property and, zoned IM; on the north by a City of Tulsa Maintenance facility, zoned IL; on the south by the City of Tulsa/Tulsa Airport zoned IM; and on the west by City of Tulsa/Tulsa Airport, zoned IL.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates this portion of North Mingo Road as a Secondary Arterial with future Bus Rapid Transit.

A **Secondary Arterial** is considered a major thoroughfare that carries high volumes of traffic. There are typically 4 lane with occasional left turns, sometimes divided by medians, and designed to carry a variety of different sized motor vehicles. Additionally, they often have sidewalk's or bike lanes that allow for alternative modes of transportation.

Bus Rapid Transit is a relatively new technology that combines some aspects of rail transit with the flexibility of buses. It can operate on exclusive transit ways, high occupancy vehicle (HOV) lanes, expressways,

or ordinary streets. Compared to typical diesel bus transit systems, a BRT system offers potential advantages by combining priority transit lanes, alternative fuel technology, cleaner and quieter operation, rapid and convenient fare collection, and integration with land-use policy.

Staff Comment: Bus Rapid Transit is a viable option that could easily be incorporated on a Secondary Arterial that has a Right-of-Way width of 100'. The City of Tulsa and the Tulsa Transit Authority have been working towards providing the citizens of Tulsa with more reliable transit options. This portion of North Mingo Road coupled with its location to the Tulsa International Airport would serve as an area that warrants the need for Bus Rapid Transit.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Mingo Road	Secondary Arterial	100'	4
East 41 st Street	N/A	N/A	2
North 93 rd East Avenue	N/A	N/A	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an area of 'Employment' and an 'Area of Growth'.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterial or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Staff Comment: The IL request is consistent with the existing and anticipated development in the area. This request would allow for the few remaining RS (Residential Single-Family) properties to be changed to a more adequate and appropriate zoning designation. If any new development did occur it would be of a similar nature to those that already exist and would support the Tulsa Comprehensive Plans vision for an Employment Area.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exist that development or redevelopment is beneficial.

Staff Comment: This re-zoning request will allow the property owned by the Tulsa Airport Improvement Trust to have a more marketable and compatible tract of land that will encourage future growth by allowing by right the development of similar businesses to those already existing.

STAFF RECOMMENDATION:

The proposed rezoning application is for a tract in excess of 30 acres that is owned by the City of Tulsa/Tulsa Airport Improvement Trust. A rezoning from RS-3 to IL would be compatible with the existing area and would allow for the development of future Aviation uses. This application is designed to rezone the entire tract to make it industrially zoned which is a zoning classification that is already in all directions surrounding the subject property.

Staff finds the uses and intensities of the proposed rezoning request from RS-3 (Residential Single-Family) to IL (Industrial Light) to be:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan;
and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from RS-3 to IL.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the IL zoning for Z-7231 per staff recommendation.

Legal Description for Z-7231:

A tract of Land located in the Southeast Quarter of the Northeast Quarter of Section 13, T-20-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly describes as follows: Beginning at the Northeast corner of Northeast Quarter; Thence S00°57'8"E 1,311.848 feet to a point; Thence S88°43'47"E 51.642 feet to the "Point of Beginning"; Thence S01°06'02"E 426.312 feet to a point; Thence S88°51'52"W 389.987 feet to a point; Thence S01°10'14"E 25.28 feet to a point; Thence S88°55'13"W 219.721 feet to a point; Thence S01°04'47"E 25.621 feet to a point; Thence N88°49'45"E 480.462 feet to a point; Thence S00°53'21"E 80.318 feet to a point; Thence N88°55'12"E 128.104 feet to a point; Thence S01°14'45"E 132.054 feet to a point; Thence S88°55'16"W 403.585 feet to a point; Thence S01°12'9"E 209.636 feet to a point; Thence N89°02'42"E 403.694 feet to a point; Thence S01°12'24"E 73.864 feet to a point; Thence S89°22'11"W 219.077 feet to a point; Thence S00°55'58"E 351.236 feet to a point; Thence S88°51'31"W 948.319 feet to a point; Thence N00°59'47"W 869.966 feet to a point; Thence N87°04'12"E 13.821 feet to a point; Thence N01°21'31"W 449.695 feet to a point; Thence N88°43'18"E 1,155.514 feet back to the "Point of Beginning"; Said tract containing 30.7604 acres more or less.

- 43. **Z-7232 – Tulsa Airport Improvement Trust (TAIT)/ Mike Kerr**, Location: West of northwest corner of East 46th Street North and North Mingo Road, Requesting rezoning from **RS-3 to IL**, (CD-3)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11603 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7203 May 2012: All concurred in **approval** of a request for rezoning a 28± acre tract of land from AG/RMH to IM for aviation use, on property located South and east of the southeast corner of North Mingo Road and East 46th Street North

Z-7187 January 2012: All concurred in **approval** of a request for rezoning a .58± acre tract of land from RS-3/IL to IL for Use Unit 23 warehouse use, on property located northwest corner of North Mingo Road and East 46th Street North.

Z-6621 March 1998: All concurred in **approval** of a request for rezoning a 6.75± acre tract of land from AG to IL for a welding school, shop and

dormitories for students, on property located south of southwest corner of East 49th Street North and North Mingo Road.

Z-6596 July 1997: All concurred in **approval** of a request for rezoning a 7.5± acre tract of land from RS-3 to IL for a bingo facility, on property located on the southwest corner of East 46th Street North and North Mingo Road.

BOA-17759 July 8, 1997: The Board of Adjustment **approved** a *Special Exception* to allow a Bingo facility (Use Unit 19), in an IL district; per plan submitted, on property located at 4588 North Mingo Road.

Z-6375 December 1992: All concurred in **approval** of a request for rezoning a tract of land from RS-3 to IL on property located west of the northwest corner of North Mingo Road and East 46th Street North

BOA-13456 February 21, 1985: The Board of Adjustment **approved** a *Special Exception* to allow school use in an RS-3 and IL district; and a *Variance* of the 75 ft. setback to 0 ft. to permit building across zoning boundary lines, on property located at 9513 East 46th Street North and abutting west of subject property.

BOA-4014 March 13, 1963: The Board of Adjustment approved a Special Exception to permit church use, on property located west of southwest corner of East 46th Street and North Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5± acres in size and is located west of northwest corner of East 46th Street North and North Mingo Road. The property appears to be vacant and is zoned RS-3.

SURROUNDING AREA: The subject properties are all surrounded by IL zoning except that the parcel on the west side of North 95th East Avenue is abutted on the north side by AG zoned land. All are a mix of vacant and light industrial businesses.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates this portion of East Port Road as a Freight Corridor with future Rail Transit.

Freight Corridors are typically of great economic importance, designed to enhance freight movement while serving to improve domestic interstate and intrastate trade. These corridors usually serve as gateways to and

from critical destination points, allowing for increased access. These areas typically are designed with wider street lanes and higher bridge clearances.

Staff Comment: East Port Road is already being used as a Freight Corridor that links the Industrial businesses and airport with the Port of Catoosa. There is no foreseeable street improvement that would affect the future development of this land.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Port Road/East 46 th Street North	Primary Arterial	120	4 + turn lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an area of ‘Employment’ and an ‘Area of Growth’.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterial or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Staff Comment: The IL request is consistent with the existing and anticipated development in the area. This request would allow for the few remaining RS (Residential Single-Family) properties to be changed to a more adequate and appropriate zoning designation. If any new development did occur it would be of a similar nature to those that already exist and would support the Tulsa Comprehensive Plans vision for an Employment Area.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exist that development or redevelopment is beneficial.

Staff Comment: This re-zoning request will allow the property owned by the Tulsa Airport Improvement Trust to have a more marketable and compatible tract of land that will encourage future growth by allowing by right the development of similar businesses to those already existing.

STAFF RECOMMENDATION:

The proposed rezoning application is for three parcels, the sum of all three parcels is in excess of 5 acres that is owned by the City of Tulsa/Tulsa Airport Improvement Trust. A rezoning from RS-3 to IL would be compatible with the existing area and would allow for the development of future Aviation uses. This application is designed to rezone the entire tract to make it industrially zoned which is a zoning classification that is found along East 46th St North on both the North and South sides.

Staff finds the uses and intensities of the proposed rezoning request from RS-3 (Residential Single-Family) to IL (Industrial Light) to be:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan; and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from RS-3 to IL.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the IL zoning for Z-7232 per staff recommendation.

Legal Description for Z-7232:

A tract of Land located in the Southeast Quarter Section 12, T-20-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly describes as follows: Beginning at the Southeast corner; Thence S88°39'20"W 689.899 feet to a point Thence N01°13'50"W 34.481 feet to the "Point of Beginning"; Thence S88°50'24"W 317.991 feet to a point; Thence N01°20'10"E 643.67 feet to a point; Thence N88°57'42"E 319.15 feet to a point; Thence S01°13'50"E 642.989 feet to the "Point of Beginning". Said tract containing 4.7048 acres more or less. **AND** A tract of Land located in

the Southeast Quarter Section 12, T-20-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly describes as follows: Beginning at the Southeast corner; Thence S 88°53'12" W 281.021 feet to the "Point of Beginning"; Thence S88°50'07"W 119.152 feet to a point; Thence N02°57'37"W 29.076 feet to a point; Thence N00°00'04"W 120.412 feet to a point; Thence N88°27'15"E 69.348 feet to a point; Thence N01°25'17"W 8.29 feet to a point; Thence N88°30'09"E 49.229 feet to a point; Thence S00°50'23"E 158.489 feet to the "Point of Beginning". Said tract containing 0.3753 acres more or less. **AND** A tract of Land located in the Southeast Quarter Section 12, T-20-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly describes as follows: Beginning at the Southeast corner; Thence S88°53'12"W 636.991 feet to a point; Thence N01°21'10"W 347.119 feet to the "Point of Beginning"; Thence N01°21'10"W 162.017 feet to a point; Thence N88°55'27"E 83.782 feet to a point; Thence S01°37'09"E 160.303 feet to a point; Thence S84°18'21"W 12.88 feet to a point; Thence S88°53'57"W 77.046 feet to the "Point of Beginning". Said tract containing 0.33479 acres more or less.

* * * * *

44. **Z-7233 – Tulsa Airport Improvement Trust (TAIT)/ Mike Kerr**, Location: West of southwest corner of East 46th Street North and North Mingo Road, Requesting rezoning from **RS-3 to IL**, (CD-3)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11603 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7203 May 2012: All concurred in **approval** of a request for rezoning a 28+ acre tract of land from AG/RMH to IM for aviation use, on property located South and east of the southeast corner of North Mingo Road and East 46th Street North

Z-7187 January 2012: All concurred in **approval** of a request for rezoning a .58+ acre tract of land from RS-3/IL to IL for Use Unit 23 warehouse use, on property located northwest corner of North Mingo Road and East 46th Street North.

Z-6621 March 1998: All concurred in **approval** of a request for rezoning a 6.75+ acre tract of land from AG to IL for a welding school, shop and dormitories for students, on property located south of southwest corner of East 49th Street North and North Mingo Road.

Z-6596 July 1997: All concurred in **approval** of a request for rezoning a 7.5± acre tract of land from RS-3 to IL for a bingo facility, on property located on the southwest corner of East 46th Street North and North Mingo Road.

BOA-17759 July 8, 1997: The Board of Adjustment **approved** a *Special Exception* to allow a Bingo facility (Use Unit 19), in an IL district, per plan submitted, on property located at 4588 North Mingo Road and abutting east of subject property.

Z-6375 December 1992: All concurred in **approval** of a request for rezoning a tract of land from RS-3 to IL on property located west of the northwest corner of North Mingo Road and East 46th Street North

BOA-13456 February 21, 1985: The Board of Adjustment **approved** a *Special Exception* to allow school use in an RS-3 and IL district; and a *Variance* of the 75 ft. setback to 0 ft. to permit building across zoning boundary lines, on property located at 9513 East 46th Street North.

BOA-4014 March 13, 1963: The Board of Adjustment **approved** a *Special Exception* to permit church use, on property located west of southwest corner of East 46th Street and North Mingo Road and *also is the subject property*.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 8± acres in size and is located west of southwest corner of East 46th Street North and North Mingo Road. The property appears to be vacant and is zoned RS-3.

SURROUNDING AREA: The subject tract is surrounded by IL zoning and a variety of light industrial businesses.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates this portion of East Port Road as a Freight Corridor with future Rail Transit.

Freight Corridors are typically of great economic importance, designed to enhance freight movement while serving to improve domestic interstate and intrastate trade. These corridors usually serve as gateways to and from critical destination points, allowing for increased access. These areas typically are designed with wider street lanes and higher bridge clearances.

Staff Comment: East Port Road/East 46th Street North is already being used as a Freight Corridor that links the Industrial businesses and airport with the Port of Catoosa. There is no foreseeable street improvement that would affect the future development of this land.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Port Road/East 46 th Street North	Primary Arterial	120	4 + turn lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an area of 'Employment' and an 'Area of Growth'.

Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterial or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Staff Comment: The IL request is consistent with the existing and anticipated development in the area. This request would allow for the few remaining RS (Residential Single-Family) properties to be changed to a more adequate and appropriate zoning designation. If any new development did occur it would be of a similar nature to those that already exist and would support the Tulsa Comprehensive Plans vision for an Employment Area.

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exist that development or redevelopment is beneficial.

Staff Comment: This re-zoning request will allow the property owned by the Tulsa Airport Improvement Trust to have a more marketable and compatible tract of land that will encourage future growth by allowing by right the development of similar businesses to those already existing.

STAFF RECOMMENDATION:

The proposed rezoning application is for a tract in excess of 8 acres that is owned by the City of Tulsa/Tulsa Airport Improvement Trust. A rezoning from RS-3 to IL would be compatible with the existing area and would allow for the development of future Aviation uses. This application is designed to rezone the entire tract to make it industrially zoned which is a zoning classification that is found along East 46th St North on both the North and South sides.

Staff finds the uses and intensities of the proposed rezoning request from RS-3 (Residential Single-Family) to IL (Industrial Light) to be:

- 1) In harmony with the spirit and intent of the Tulsa Zoning Code;
- 2) Consistent with the City of Tulsa Comprehensive Plan; and
- 3) In harmony with the existing and expected development of surrounding areas.

Therefore, staff recommends **APPROVAL** of the rezoning request from RS-3 to IL:

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the IL zoning for Z-7233 per staff recommendation.

Legal Description for Z-7233:

A tract of Land located in the Northeast Quarter Section 13, T-20-N, R-13-E, Tulsa County, State of Oklahoma, being more particularly describes as follows: Beginning at the Northeast corner; Thence S88°39'20"W 482.692 feet to the "Point of Beginning"; Thence S01°32'23"E 412.677 feet to a point; Thence S88°20'51"W 189.82 feet to a point; Thence S01°36'57"E 244.496 feet to a point; Thence N88°45'24"E 196.612 feet to a point; Thence S01°38'26"E 331.514 feet to a point; Thence S89°20'45"W 542.544 feet to a point; Thence N01°14'57"W 325.86 feet to a point; Thence N88°44'28"E 173.085 feet to a point; Thence N01°14'40"W 602.3 feet to a point; Thence N88°38'41"E 166.857 feet to a point; Thence N01°35'15"W 55.575 feet to a point; Thence N88°39'17"E 190.133 feet back to the "Point of Beginning". Said tract containing 8.21895 acres more or less.

45. **PUD-764-A – Roy D. Johnsen**, Location: South of southwest corner of East 51st Street and South Vandalia Avenue, Requesting a **Major Amendment to Abandon** the PUD to increase development opportunities, **CG/PUD-764 to CG/PUD-764-A**, (CD-9)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21937 dated November 11, 2008, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-764 November 2008: All concurred in approval of a proposed Planned Unit Development on a 1.55± acre tract of land for a 46,260 square foot, 4-story hotel, on property located south of southwest corner of East 51st Street South and South Vandalia Avenue and is the subject property.

Z-7099 November 2008: A request for rezoning a 1.7± acre tract of land from OM/RS-2 to CG was continued to be heard with the proposed PUD-764, for a hotel development, on property located south of southwest corner of East 51st Street South and South Vandalia Avenue and is the subject property. All concurred in approval of the rezoning request with the PUD.

Z-6961 January 2005: All concurred in approval of a request for rezoning a 4± acre tract of land from RS-3 to OM on property located south of southwest corner of East 51st Street South and South Vandalia Avenue and is a part of the subject property.

PUD-284-A August 1992: A request for a major amendment to PUD-284 to increase the permitted number of dwelling units within the PUD from 168 to 176 was approved. The property is located on the northwest corner of East 53rd Street and South Urbana Avenue.

Z-5680/PUD-284 June 1982: Approval was granted to rezone a 1.5-acre tract located on the northwest corner of East 53rd Street and South Urbana Avenue and abutting the subject property on the south from RS-2 to RM-1 for the expansion of an existing nursing and retirement center.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.63± acres in size and is located south of southwest corner of East 51st Street and South Vandalia Avenue. The property appears to be vacant and is zoned CG/ PUD-764.

SURROUNDING AREA: The subject tract is abutted on the east by South Vandalia Avenue and then Lincoln Estates, a multifamily residential use, zoned RM-1; on the north by the unplatted remains of a former athletic facility, zoned CH; farther north by a bank, zoned CH; on the south by Urbana Heights Two Resub. L1 B1 Urbana Heights, a nursing/retirement facility, zoned RM-2/PUD-284-A; and on the west by an unplatted mini storage facility, zoned CH.

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

TRANSPORTATION VISION:

The Comprehensive Plan does not provide a specific vision for South Vandalia Avenue however the abandonment of PUD 764 will not affect any of the existing street-pattern in the area. All vehicular connections are remaining to East 51st, East 53rd Street South and ultimately to South Yale Avenue.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Vandalia Avenue	Residential Collector	50'	2 lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exist that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Staff Comment: The abandonment of this PUD increase development opportunities of this site. The underlying zoning is CG

and will remain in place. CG zoning provides a large variety of economic growth opportunities.

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations

Staff Comment: The abandonment of this PUD will continue provide many opportunities for growth inside this Town Center area and supports the Town Center development vision.

STAFF RECOMMENDATION:

Staff finds that:

- 1) The abandonment request leaves the site with CG zoning which is consistent with the Town Center designation and the Growth designation defined by The Comprehensive Plan.
- 2) Bulk and Area requirements defined by the CG zoning designation will be in harmony with the existing and anticipated development pattern of the area.
- 3) The approval of PUD-764-A will abandon the provisions of PUD-764 which was prepared in response to a request for a five-story hotel proposal on the site. The underlying CG zoning was established on the site in conjunction with approval of the PUD.
- 4) ~~The underlying rezoning required for this Planned Unit Development required a subdivision plat that never happened and is still required for this property.~~
- 5) Sidewalk construction in the Vandalia right of way will be required. ~~as part of the plat process.~~

Therefore, staff recommends **APPROVAL** of PUD 764-A as noted above.

Mr. Wilkerson indicated that in his staff recommendation he stated that the plat had never happened, but he has been informed that the subject property has been platted and therefore his staff recommendation needs to be corrected.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the major amendment for PUD-764-A per staff recommendation as modified by the Planning Commission. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for PUD-764-A:

Lot 2, Block 1, and Reserve Area A, Candlewood/ Yale, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat 6410 thereof.

* * * * *

46. **PUD-559/Z-5888-SP-1 – Sack and Assoc., Inc/ Mark Capron**, Location: North of the northeast corner of South Mingo Road at East 91st Street South, Requesting a **Detail Landscape Plan** for a new apartment project, (CD-8)

STAFF RECOMMENDATION:

The homeowners association is requesting a continuance in order to review the landscape plan. Mr. Wilkerson indicated that he emailed the plan to the homeowner's association representative, Mr. Harjo one day prior today's meeting, but Mr. Harjo is out of town and needs more time to review the plans.

Applicant's Comments:

Eric Sack, Sack and Associates, 3530 East 31st Street, 74135, stated that he is in agreement with staff's recommendation regarding the landscape plan.

Mr. Perkins asked Mr. Sack if he would agree to the continuance.

Mr. Sack stated that the PUD required a 25-foot setback and 25-foot landscape buffer. Prior to bringing the site plan to the Planning Commission there was a neighborhood meeting at Tinker Federal Credit Union and had a full house. Mr. Sack further stated that he has met with the neighbors subsequently on three other occasions. The detail site plan and the preliminary plat were continued on two occasions and a lot of the

discussion centered on landscaping. Mr. Sack cited all the conditions and agreements he has met and he is confident that he has exceeded the requirements of the PUD. Mr. Sack stated that he has tried to accommodate the neighbor's request regarding the species of trees that would be planted. Mr. Sack suggested that this application be approved in concept and allow him so liberty to talk to the homeowners and move trees around or change species, but hold the requirements and numbers of planting. Mr. Sack commented that if this could be done it would keep his client in a more fluid process and can keep moving forward.

TMAPC COMMENTS:

Mr. Midget asked Mr. Sack if he is opposed to the continuance. Mr. Sack stated that he doesn't mind it, but he would like to keep the project moving forward if possible. Mr. Sack reminded the Planning Commission that he has already had numerous meetings with the neighborhood and he doesn't believe he will hear anything different, but if the Planning Commission is inclined to continue it he is not opposed to it. Mr. Midget stated that if the Planning Commission approves the landscape plan it is approved and he is not comfortable with it being approved in concept. Mr. Midget further stated that he would feel more comfortable allowing the neighborhood time to review the plan. It would make for a better end-result to allow the neighbors to review the plan.

Mr. Leighty stated that he remembers this project very well and the neighborhood association was very well organized. Mr. Leighty further stated that the neighbors did request and he specifically remembers that they asked to be notified and 24 hours is not enough time for any association to respond. Mr. Leighty commented that he had hoped that staff would have tried to notify the neighbors earlier in the process and not hold this up for two weeks. Mr. Leighty stated that he would be supporting the continuation. Mr. Leighty further stated that he would like to make a motion to continue this when discussion has ended.

Mr. Dix moved to approve the landscape plan per staff recommendation. Mr. Carnes seconded.

Mr. Liotta requested to have discussion on the motion. Mr. Perkins agreed.

Mr. Liotta stated that with all due respect to Mr. Dix, in reading the letter from the neighborhood association, he gets the strong feeling that they don't believe that they have been contacted about the specifics about this plan and it was their understanding that they would have a full discussion or at least be contacted to have an opportunity to see the plan. Mr. Liotta stated that he is willing to give them two more weeks. The applicant indicated that he would prefer to not delay this two more weeks, but he

isn't opposed to giving them two more weeks. Mr. Liotta recommended that the neighbors have two more weeks.

Mr. Leighty stated that out of respect to the other Commissioners to weigh-in on this he didn't make his motion so that everybody would have a chance to speak. Then to have Mr. Dix jump in and make a motion doesn't seem very gentlemen-like. Mr. Leighty reiterated that the neighbors did a great job organizing and is asking for two more weeks. The neighbors were reassured at the last meeting on this that they would be given the opportunity to review the plans and attend this hearing.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **4-6-0** (Carnes, Dix, Edwards, Shivel, "aye"; Covey, Leighty, Liotta, Midget, Perkins, Stirling "nays"; none "abstaining"; Walker "absent") to **APPROVE** the detail landscape plan per staff recommendation.

MOTION FAILED

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **CONTINUE** the detail landscape plan to June 19, 2013.

OTHER BUSINESS

47. Refund request for Plat Waiver BOA-21575, Bill LaFortune

Plat waiver is unnecessary and staff recommends a full refund.

STAFF RECOMMENDATION:

Mrs. Fernandez stated that the plat waiver is unnecessary and staff recommends a full refund for \$250.00.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** a full refund in the amount of \$250.00 for BOA-21575 plat waiver per staff recommendation.

Commissioner's Comments:

Mr. Perkins stated that the Planning Commission Chairman, Mr. Walker is not present today due to a death in his family. Mr. Perkins stated that he knows that everyone is praying for his family and thinking about him.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **ADJOURN** TMAPC meeting No. 2651.

There being no further business, the Chair declared the meeting adjourned at 2:35 p.m.

Date Approved: 6-19-13

John A. Walker
Chairman

ATTEST: [Signature]
Secretary