

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2670

Wednesday, March 19, 2014, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Carnes	Walker	Fernandez	Duke, COT
Covey		Hoyt	VanValkenburgh, Legal
Dix		Huntsinger	
Liotta		Miller	
Midget		White	
Reeds		Wilkerson	
Shivel			
Stirling			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 13, 2014 at 2:30 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Covey reported that since Gene Edwards resigned there is a spot to fill on the Tulsa Preservation Commission. Mr. Covey further reported that he asked Mr. Reeds if he would be willing to fill in the spot and he graciously agreed to do so. Mr. Covey stated that he has appointed Mr. Reeds to the Tulsa Preservation Commission.

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Director's Report:

Ms. Miller reported on the TMAPC Receipts for the month of February 2014.

Ms. Miller reminded the Planning Commission that they will be reviewing CIP's on their April 2nd agenda.

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1. **Minutes:**

Approval of the minutes of February 19, 2014 Meeting No. 2668

On **MOTION** of **SHIVEL**, the TMAPC voted 7-0-0 (Carnes, Covey, Dix, Liotta, Reeds, Shivel, Stirling “aye”; no “nays”; none “abstaining”; Midget, Walker “absent”) to **APPROVE** the minutes of the meeting of February 19, 2014, Meeting No. 2668.

2. **Minutes:**

Approval of the minutes of March 5, 2014 Meeting No. 2669

On **MOTION** of **SHIVEL**, the TMAPC voted 7-0-0 (Carnes, Covey, Dix, Liotta, Reeds, Shivel, Stirling “aye”; no “nays”; none “abstaining”; Midget, Walker “absent”) to **APPROVE** the minutes of the meeting of March 5, 2014, Meeting No. 2669.

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CONSENT AGENDA

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

3. **LS-20681** (Lot-Split) (CD-2) – Location: South of the southwest corner of East 61st Street South and South Lewis Avenue (Related to LC-568 and LC-569)
4. **LC-568** (Lot-Combination) (CD-2) – Location: South of the southwest corner of East 61st Street South and South Lewis Avenue (Related to LS-20681 and LC-569)
5. **LC-569** (Lot-Combination) (CD-2) – Location: Southwest corner of East 61st Street South and South Lewis Avenue (Related to LS-20681 and LC-568)
6. **PUD-604-2 – BMI Properties, LLC/Phil Rhees**, Location: West side of South Kingston Avenue north of intersection with East 84th Street South, Requesting a **Minor Amendment** to change maximum front yard coverage from 17% to 30% on Lot 3, Block 1 of Stonewall Estates, **RE/PUD-604**, (CD-8)

STAFF RECOMMENDATION:

Amendment Request: The underlying zoning for this parcel is RE which allows up to 17% driveway coverage in the front yard. That requirement is referenced in the Planned Unit Development. During the development of the PUD the RE standards were used for the bulk and area guidelines

because of the unusually large lots designed in consideration with severe terrain and heavy tree cover.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 1007.H.9 PUD Section of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open space, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) Modification of the front yard coverage is consistent with previously constructed homes and circle drives in the neighborhood.
- 2) The applicant has provided support from the homeowners association for the request.
- 3) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 4) All remaining development standards defined in PUD 604 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to change the driveway coverage permitted on Lot 3, Block 1 of Stonewall Estates from 17% to 30% and as illustrated on the site plan attached.

7. **PUD-628-C-1/Z-6467-SP-7a – Andrew Shank**, Location: East of South Mingo Road at East 93rd Street South, Requesting a **Minor Amendment** to change maximum building coverage from 30% to 37% on Lot 3, Block 1 of Cedar Ridge Park, **CO/PUD-628-C**, (CD-7)

STAFF RECOMMENDATION:

Amendment Request: The underlying zoning for this parcel is CO (Z-6467-SP-7a) which allows up to 30% building coverage. The minor amendment request is for an increase of allowable building coverage up to 37% of the site.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1007.H.9 PUD Section of the City of Tulsa Zoning Code.

“Changes in structure heights, building setbacks, yards, open space, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) Modification of the building coverage is not injurious to the other properties in the Planned Unit Development. The additional building coverage request does not affect the required landscape area or parking requirements within this project.
- 2) The requested amendment does not represent a significant departure from the approved development standards in the original PUD or the previous amendments.
- 3) All remaining development standards defined in PUD 628-C-1 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase building coverage on Lot 3, Block 1 of Cedar Ridge Park from 30% to 37%.

8. **PUD-628-C/Z-6467-SP-7 – Andrew Shank**, Location: East of South Mingo Road at East 93rd Street South, Requesting a **Detail Site Plan** for mini-storage and associated office, **CO/PUD-628-C**, (CD-7)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a proposed mini storage facility and associated office building as allowed in PUD 628-C. The site plan illustrates a building coverage of 37% which is being considered concurrently at the March 19, 2014 Planning Commission meeting. If for any reason the minor amendment is denied or postponed the site plan cannot be approved as submitted.

PERMITTED USES:

The allowed use defined in PUD 628-C is to permit Use Unit 16, Mini Storage. The mini storage use proposed for this project is allowed by right.

DIMENSIONAL REQUIREMENTS:

The submitted site plans meets all applicable building height, floor area, and setback limitations. With the assumption that the amendment request to allow 37% coverage is approved the site meets the bulk and area requirements outlined in the PUD and subsequent amendments.

ARCHITECTURAL GUIDELINES:

The PUD requires “architectural design elements consistent with the existing masonry, stone or brick provided in previous development in Cedar Ridge Business Park, including, without limitation, exterior wall design features along the eastern and southern portions of the facility visible to the traffic traveling along US Highway 169.” Brick will be placed as illustrated on the plans and elevations helping to provide architectural consistency with the existing buildings in the PUD.

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 will meet the minimum standards outlined in the Planned Unit Development and in the Zoning Code and shall be pointed down and away from the expressway traffic.

PEDESTRIAN ACCESS AND CIRCULATION:

The majority of the mini storage site is paved leaving little opportunity for pedestrian access however adequate pedestrian access is provided for visitors and customers in the office portion of the facility.

MISCELLANEOUS SITE CONSIDERATIONS:

A significant consideration of the PUD use approval was to provide heavy landscaping along the highway right of way and along the east property line. The site plan provides ample opportunity for landscaping considerations defined in the PUD.

Along the east property line an existing gravel drive to access the communications tower site will be removed. This area will be covered with sod, irrigation will be provided and trees planted similar to the concept shown.

SUMMARY:

Staff has reviewed the applicant’s submittal of the site plan as it relates to the approved **PUD-628-C**. The site plan submittal will meet or exceed the minimum requirements of the PUD only if minor amendment PUD-628-C-1 is approved.

Staff finds that the uses and intensities proposed with this site plan are consistent with the approved PUD, and the stated purposes of the Planned Unit Development Section of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed mini storage facility with prior approval of PUD-628-C-1.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Carnes, Covey, Dix, Liotta, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to **APPROVE** the consent agenda Items 3 through 8 per staff recommendation.

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Mr. Covey stated that he is moving Item 12 to be heard next. Mr. Covey requested Mr. Stirling to read the opening statement and rules of conduct.

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

12. Consider adopting resolutions finding four downtown housing/mixed use projects within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan.

- a. Adopt resolution finding the 2 W. 6th Street project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in Conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2670:918.
- b. Adopt resolution finding the 111 W. 5th Street project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in Conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2670:919.
- c. Adopt resolution finding the 401 S. Elgin Avenue project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in Conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2670:920.

- d. Adopt resolution finding the 403 S. Cheyenne Avenue project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in Conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2670:921.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Covey, Dix, Liotta, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to recommend **APPROVAL** of Item 12.a., Resolution No. 2670:918, finding the 2 W 6th Street project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Covey, Dix, Liotta, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to recommend **APPROVAL** of Item 12.b., Resolution No. 2670:919, finding the 111 W. 5th Street project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Covey, Dix, Liotta, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to recommend **APPROVAL** of Item 12.c., Resolution No. 2670:920, finding the 401 S. Elgin Avenue project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Covey, Dix, Liotta, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Midget, Walker "absent") to recommend **APPROVAL** of Item 12.d., Resolution No. 2670:921, finding the 403 S. Cheyenne Avenue project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan.

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COMPREHENSIVE PLAN PUBLIC HEARINGS:

9. Consider adoption of West Highlands/Tulsa Hills Small Area Plan as an amendment to the Tulsa Comprehensive Plan.

STAFF RECOMMENDATION:

Item for consideration: Adoption of the “West Highlands/Tulsa Hills Small Area Plan as an amendment to the Tulsa Comprehensive Plan

The 6.1 square mile area addressed in the West Highlands/Tulsa Hills Small Area Plan is generally located between 61st Street South and 91st Street South, and Elwood Avenue and 33rd West Avenue. It is described as beginning at the center of Elwood Avenue and 91st Street South; thence west along the center line of 91st Street south to 33rd West Avenue; thence north along the center line of 33rd West Avenue to 61st Street South; thence east along the center line of 61st Street South and continuing on the center line as 61st Street South turns southeast into Elwood Avenue, and continuing on the center of Elwood Avenue to the center of 71st Street South; thence east approximately 600 feet; thence south and parallel to Elwood Avenue to the center of 81st Street South; thence east along the center line of approximately 1410 feet; thence south approximately 80 feet to the center of the storm water drainage channel for Hager Creek; thence along that channel to the intersection of Elwood Avenue; thence continuing down the center of Elwood Avenue to the point of beginning.

Related Plans: The Southwest Tulsa Plan adopted by the Tulsa Metropolitan Area Planning Commission in 2009 covers the City west of the Arkansas River. The Tulsa Comprehensive Plan covers this area and will be amended with the adoption of the West Highlands/Tulsa Hills Small Area Plan.

Background: The small area planning process as recommended in the Tulsa Comprehensive Plan began with City Council resolution No. 7903 in June 2011 (and amended in April 2012 to have current boundaries). This resolution officially sanctioned the development of the West Highlands/Tulsa Hills Small Area Plan.

Process: The West Highlands/Tulsa Hills Small Area Plan Citizens Advisory Team (CAT) consisted of 20 members who were invited to serve by District 2 City Counselor Jeannie Cue. Local landmark institutions such as Inland Realty/C.B. Richard Ellis of Oklahoma (represents Tulsa Hills), R.L. Jones Airport, Case & Associates, the Tulsa Spine and Specialty Hospital and Page Belcher Golf Course were also involved in and/or contacted during the planning process. Meetings were held on the major concerns of the 240 different stakeholders who attended. A SWOT (strengths, weaknesses, opportunities and threats) analysis for the area

was accomplished. Presentations by planning staff on demographics, land use issues and historical development trends were made. Analysis, research and inventory of local existing conditions were presented and discussed. Visioning workshops were held. This plan was drafted by the City of Tulsa Planning Department with the assistance of the Citizen Advisory Team.

Conformance with the Tulsa Comprehensive Plan:

1) Land Use Plan Map

The West Highlands/Tulsa Hills Small Area Plan area in the **Tulsa Comprehensive Plan Land Use Map** includes several land use plan categories: “Neighborhood Center”; “Town Center”; “Mixed Use Corridor”; “Regional Center”; “Existing Neighborhood”; “New Neighborhood”; “Employment”.

Neighborhood Centers are small-scale; one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These should be pedestrian oriented and served by transit.

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 a number of destinations.

Mixed Use Corridors pair high capacity transportation facilities with housing, commercial and employment uses. Mixed Use Corridors usually have four or more travel lanes, and sometimes addition lanes dedicated for transit and bicycle use. Buildings along Mixed Use Corridors include windows and storefronts along the sidewalk.

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided

on–street and in shared lots. Most Regional Centers include a parking management district.

Existing Neighborhood category is intended to preserve and enhance existing 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.

New Neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity.

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Big-box retail or warehouse is sometimes found in these areas. Employment areas require access to major arterials or interstates. Screening and buffering is therefore important.

Staff comments: There were minor changes proposed to the Comprehensive Plan. There are several areas where the Mixed Use Corridor is extended including along the western side of US 75. Areas for park use and open space were also extended to include land that was largely a flood zone. Existing residential uses are shown to be more protected in the small area plan.

2) **Areas of Stability and Growth Map**

The West Highlands/Tulsa Hills Small Area Plan area in the **Tulsa Comprehensive Plan** includes “Areas of Stability” and “Areas of Growth”.

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.

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 exists 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 comments: The Comprehensive Plan states that “ensuring that (growth area) residents will not be displaced is a high priority”. Two-thirds of the plan area are Areas of Growth and may concern residents who fear “density”. Plan recommendations have tried to consider how growth can occur and the areas’ rural character is maintained. Areas of existing residential uses are shown to be more stable in the small area plan, as shown by an expanded Area of Stability designation. The plan states that new development in stable areas should take “deliberate and explicit measures to integrate with the existing context”.

3) **Land Use Priorities**

The West Highlands/Tulsa Hills Small Area Plan area contains a large variety of land uses: working farms, extensive suburban style retail developments, parking lots and dense residential subdivisions. The planning challenge is to mitigate conflict and friction between these diverse land-use types, and to ensure that they develop and coexist in an orderly manner.

Stakeholders are concerned with the side effects of population and building density, yet large parts of the plan area (and its major population centers) are already dense. The question then becomes how to organize population/building growth.

Staff comments: The citizen team has expressed concern about maintaining the rural residential character of the planning area while encouraging economic development including attracting grocery stores and retail establishments.

Development concepts are included in this plan to encourage context-compatible aesthetics and promote good design. Trails and connectivity are encouraged. These types of planning tools will help to integrate the rural and denser sections of the planning area.

4) Priorities, Recommendations, and Implementation Matrix

This small area plan has a list of detailed priorities for the area. There are recommendations from staff and the citizen committee and an implementation matrix of targeted steps toward the goals for the planning area including such details as encouraging buffering through Planned Unit Developments and within Corridor districts, and encouraging more intense development to be located to the eastern sector of the small area plan site.

Staff comments: The Implementation Matrix is a planning tool that should have careful consideration as it will help to establish the steps to implement the goals of the citizen team for the West Highlands/Tulsa Hills Small Area Plan.

Conclusion: After reviewing the proposed West Highlands/Tulsa Hills Small Area Plan for conformance with the Tulsa Comprehensive Plan, TMAPC Staff finds that the recommendations contained in the proposed plan are consistent with and will further the vision of the Tulsa Comprehensive Plan.

Staff Recommendation: Staff recommends that TMAPC adopt and include the West Highlands/Tulsa Hills Small Area Plan as an amendment to the Tulsa Comprehensive Plan.

Note: The latest version of the Plan is linked to the TMAPC agenda online at: http://www.tmapc.org/current_agenda.html

Mrs. Fernandez gave a presentation.

INTERESTED PARTIES COMMENTS:

Kay Price, 5815 South 31st West Avenue, 74107, requested that this be revisited because the one thing she requested, which was to keep the rural area rural and no more apartments, was not done. Ms. Price commented several times that she only asked for three things in the small area plan and got nothing.

Steve Schuller, 100 West 5th Street, Suite 1100, 74103, representing ONEOK, Inc., stated that his client is the owner of the tract along the east side of Union Avenue, between Union and Highway 75 right-of-way between 61st and 71st Street. His client's property is in the CO district, which is exactly the right zoning for the subject area. Mr. Schuller stated that his client has a contract for the sale of their property with a prospective developer. Mr. Schuller indicated that the developer filed a very thoughtful and attractive corridor plan that was unanimously approved by the TMAPC in November 2012. Mr. Schuller stated that the City Council tabled its consideration of the corridor plan approval pending the development of the subject small area plan. Mr. Schuller further stated that now that the small area plan is before the TMAPC, ONEOK has some concerns regarding the details of the plan and how it would be implemented. Mr. Schuller expressed concerns with the specific design standards, and development standards for properties in that corridor between Union Avenue and Highway 75. Mr. Schuller cited the types of concerns he has with the specific design standards. Mr. Schuller stated that the plan calls for a collector street to be built along Highway 75 right-of-way, which is not reflected in the corridor development plan that was unanimously approved by the Planning Commission. Mr. Schuller further stated that the small area plan itself estimates the collector street would cost approximately twelve million dollars to build. Mr. Schuller pointed out that the small area plan calls for a City Ordinance preventing development of these properties until "adequate infrastructure is actually in place". Mr. Schuller stated that what is "adequate" is not defined in the document. Mr. Schuller explained that this type of approach would stifle development of the subject area, as well as areas all over the City. Mr. Schuller commented that where a cash-strapped city, like Tulsa, would not prioritize the construction of these infrastructural improvements without knowing that the developments that need them were sure to follow, but the land owners and the developers would not be able to and should not be required to tie up their properties for years and years while they wait for the city to prioritize the construction of these infrastructural improvements and then finally build the infrastructure. Mr. Schuller stated that ONEOK is of the opinion that these provisions go beyond what a Comprehensive Plan should cover. Mr. Schuller expressed concerns that these suggestions or guidelines would become regulations. Mr. Schuller expressed concerns that his client ONEOK will lose its purchaser of the subject property before all of this is finally decided and before the corridor

development plan is finally approved by the City Council. Mr. Schuller commented that it would be difficult to find another purchaser under the constraints imposed by this small area plan and the level of the detail that it goes into. Mr. Schuller requested that the small area plan be sent back for refinement to examine some of these subjective details that have been inserted in it. Mr. Schuller concluded that the standards for development in this small area plan are not appropriate for this type of document.

TMAPC COMMENTS:

Mr. Carnes stated that there are enough apartments in the subject area already. Mr. Carnes further stated that we do not want to create an area with apartments and then a few years they go lower and then there are pockets of crime. Mr. Carnes indicated that he would be opposed in recommending anymore apartments. Mr. Schuller reminded Mr. Carnes that the TMAPC did approve the corridor development plan for the apartments being referred to. ONEOK is very pleased with this prospective purchaser for the development of the subject area. Mr. Schuller stated that they are a quality apartment developer and his daughter has lived in one of their apartment complexes and they do a very fine job and build a good product. Mr. Schuller stated that he is not certain that there are too apartments in the subject area or too many apartments in any area in Tulsa. Mr. Schuller commented that there has to be housing available for those who can afford it. This is an area that is described in the small area plan as a very nice place to be and a very nice place to live and there should be opportunities made available to people to live in the subject area if they are able. Mr. Schuller stated that he has seen a lot of apartments in Tulsa that are very old and are still very nice. He doesn't believe that an apartment complex by virtue of it being constructed will necessarily go bad. Mr. Carnes stated that he is talking about pockets of apartments because in just about every case they have become crime ridden.

Mr. Reeds asked Mr. Schuller what category he would say, under the Comprehensive Plan Use Map, his client's development falls into. Mr. Schuller stated that it is shown in many of the diagrams as mixed-use corridors. Mr. Reeds asked Mr. Schuller if he was going to be in mixed-use but only have residential. Mr. Schuller stated that it will be residential and the mixed-use would refer to the greater corridor area that would permit a variety of uses under the corridor zoning. Mr. Reeds asked Mr. Schuller how this development would interface with what is to come. Mr. Schuller stated that there is nothing there presently to his knowledge and there is a golf course across the street so in a sense it would interface by bringing residents to an area that will perhaps will develop other mixed-use developments to serve the residents of the apartments. Mr. Reeds asked if there is a bus-stop plan, transit allocated, drop-off lanes, etc. Mr. Schuller stated that he didn't represent the developer in the corridor

development plan process and not entirely familiar with what the developer has planned in that regard. There is a bus line going on Union and he expects MTTA would place a bus stop there if there isn't one already there.

Mr. Dix asked what the process is for something that has been tabled by the City Council. Ms. VanValkenburgh stated that there is no time limit. Anyone can petition any Councilor to ask for something to be put back on the agenda. Ms. VanValkenburgh further stated that she believes the message has been that anyone is free to ask a Councilor to put the matter on the agenda. Mr. Dix asked if the City Council put something back on the agenda and it was rejected is there a time limit before one can reapply. Ms. VanValkenburgh stated that she believes the TMAPC policy is that an application can't be reconsidered within six months after being denied. Mr. Schuller stated that the apartment proposal was put back on the City Council agenda and it was discussed and returned to committee, but has never been back on the City Council agenda.

Mr. Stirling requested that someone from the City Planning Department to come up and address some of the issues Mr. Schuller has mentioned.

Steve Sherman, City of Tulsa Planning, stated that the recommendations in the small area plan were from two years of work with citizen stakeholders. They intended to form a policy guide with backbone for future development. Mr. Sherman stated that it was clear that the people understood that the plan was not regulatory and doesn't carry the writ of law, which is an argument he heard from Mr. Schuller. Mr. Sherman reiterated that it is firmly understood that the small area plan is a guide and is not regulatory. Mr. Sherman stated that the small area plan has been discussed many times over the past two years and one of the reasons it was delayed was due the apartment renderings in the Vision Chapter were removed because staff was listening and it supports the dialogue. Mr. Sherman stated that everything in the Recommendations Chapter is the result of a very long public process and public dialogue. Mr. Sherman cited several sections in the small area plan that were written due to the public process and dialogue.

INTERESTED PARTIES COMMENTS:

Jana Davis, 2627 West 81st Street South, 74132, stated that she has lived in the subject area for 40 years and was on the citizen advisory committee. The group W.O.R.T.H. didn't ask for much and she requested the TMAPC to listen to "we the people" not the big money that is coming in. Ms. Davis stated that they requested that no more apartments be allowed in the subject area because there are too many now. The subjective details in the plan are good for her because it represents what the "we the people" requested.

Angelle Cole, 2440 West 81st Street, 74132, stated that her husband was part of the citizen committee and she attended every meeting. Ms. Cole stated that Mr. Sherman and his team have done a great job in the last two years. Ms. Cole stated that she has looked at every draft and agrees with the plan. Ms. Cole commented that there were lengthy discussions with neighbors and there were factions that wanted more horse trails. Ms. Cole stated that she doesn't believe there was any true disagreement at the last couple of meetings while reviewing the final draft. Ms. Cole commented that she is confused about the specific recommendations that Mr. Schuller stated and she doesn't remember getting that specific on some of the recommendations. Ms. Cole stated that maybe that language was put in as general. Ms. Cole further stated that she remembers when the apartments came through that they had plenty of buffering and distance and it looked reasonable for most people, but there are some who absolutely do not want more apartments. Ms. Cole commented that she doesn't know if that is a reasonable recommendation for anywhere in Tulsa. Ms. Cole stated that there are some places where apartments have gone down and she worked in the apartment industry and understands that problem. Ms. Cole explained that it can take one to twenty years for an apartment property to go from good to bad. It depends on the owner and the managers. Ms. Cole stated that she supports this plan.

Councilor Cue thanked the City of Tulsa for being patient with her and the excellent job that they have done to listen to the people. Councilor Cue stated that it isn't easy going to the meetings and listening to the many views. Councilor Cue indicated that she is in agreement with the final draft of the small area plan. Councilor Cue stated that a small area plan is for the residents of the subject area to have hope and plans for the future. Councilor Cue thanked Martha Schultz and Steve Sherman and the TMAPC for listening to everyone regarding this small area plan.

TMAPC COMMENTS:

Mr. Covey asked staff to come forward to answer questions about the apartments.

Dwayne Wilkerson stated that the apartment complex came through the process after the small area plan had already started. Staff looked at the Comprehensive Plan for the City of Tulsa and met with Steve Sherman to implement some of the preliminary ideas in the apartment project. Many of the esthetics that was more for buffering and vegetation and was implemented without question by the developer. Mr. Wilkerson stated that the collector street was considered for the subject property and determined, for a variety of reasons, that this was not the place to put a collector street between Highway 75 and Union. Mr. Wilkerson further

stated that though the vision was an important vision at that time it was something staff didn't believe was a strong enough component of the subject area to include the corridor street.

Mr. Wilkerson stated that the detail site plan that was reviewed took into consideration the orientation of the apartment buildings to Union, there is a natural buffer area and there are only two apartment buildings that are perpendicular to the street within 100 feet of Union. Mr. Wilkerson explained that staff tried to keep within the natural character of the area as much as possible and still have the apartment community in place that is allowed as part of the site plan review process within a corridor district. Mr. Wilkerson indicated that although the apartments came in before the final small area plan, the major components of the small area plan are included in the site plan.

Mr. Dix stated that he doesn't recall the exact location of the apartments. Mr. Wilkerson stated that the apartment project is directly across the street from the Paige Belcher Golf Course. Mr. Dix asked how many units would be built. It was determined that approximately 600 units would be built. Mr. Wilkerson reminded the TMAPC that the apartments are in the corridor district that calls for mixed-use development. Mr. Dix asked if the apartment complex will be able to proceed if the small area plan is approved. Mr. Wilkerson stated that his interpretation is that this is a mixed-use area and apartments were appropriate for that. Mr. Wilkerson further stated that if the small area plan is approved he believes that the apartments would still be in compliance with the vision that is outlined.

Mr. Sherman stated that technically City Council tabled the vote on the corridor development plan until the small area plan is adopted or approved.

Mr. Liotta stated that Mr. Carnes alluded to and this has been discussed before is the clustering of apartments and at what point is it too big. Mr. Liotta asked what language is included in the small area plan that would give the Planning Commission a tool to limit the clustering of apartment complexes. Mr. Sherman stated that guide would be a better word than tool and there are two specific recommendation measures that call out multifamily and multifamily size, 2.5 and 3.8. Mr. Sherman explained that what is in the small area plan is an attempt at a compromise. Mr. Sherman stated that there is not a specific regulatory limit to apartments because that is outside the purview of the plan, but he does believe that the Zoning Code does regulate distance between developments, landscaping, etc. Mr. Sherman cited the subject areas that are within the airport flight path and multifamily or dense housing is not a good idea because if there was a plane crash there would be a massive body count.

In response to Mr. Reeds, Mr. Sherman stated that there is a 20-foot landscape buffer between the apartments and Union. Mr. Reed asked how the apartments qualify as mixed-use, are there going to be paddle boats on the pond or something. Mr. Sherman explained that the mixed-use corridor designation stretches from 61st to 71st. Mr. Sherman further explained that mixed-use corridor has been interpreted by the division, staff and TMAPC, that there are mixed uses along the entire corridor.

Mr. Sherman stated that the stakeholders have been good participants in the process and they wanted him to make one more point. There are other apartments to the south of 71st.

Mr. Midget asked for some clarification or understanding about the infrastructure ordinance mentioned in the plan and what does that actually mean. Mr. Midget stated that this would set a precedent and he would like a better idea of what this is really asking. Mr. Sherman asked Mr. Midget if he is referring to recommendation measure 12.11 (page 89). Mr. Sherman stated that that recommendation measure is intended to spur the conversation on infrastructure concurrency and the goal is for infrastructure to in place to support roads and is an extension of existing policies in that regards. Mr. Sherman reminded the Planning Commission that this is a policy guide and the text actually states "support implementation". Mr. Midget stated that he understands what Mr. Sherman is stating, but if one wants to build a subdivision for housing and it doesn't have the infrastructure in place, would this small area plan is telling him that he shouldn't build until the roads are in place. Mr. Midget further stated that if one is going to build a subdivision the plumbing and sewer line will be in place, so what exactly is the small area plan saying with regard to this. Mr. Sherman stated that it is not simply stating that the City itself is saying the developer wait for CIP bond packages to widen road lanes, but impact fees are also a possibility. Mr. Sherman further stated that the issue with infrastructure has come out of the public process and this is something that has come out of stakeholders' mouths many times and staff is trying to be honest to that.

Mr. Carnes asked why this has to be mentioned in the small area plan, because the system has worked even though some may think it hasn't worked. Mr. Carnes stated the language regarding infrastructure doesn't need to be in the plan. Mr. Sherman stated that staff is trying to put on paper what the stakeholders has stated as being a recurring problem.

Mr. Reeds stated that he believes that the small area plan's intent is good. Mr. Reeds further stated he would prefer that the apartment development was more faithful to the concept of the plan. Mr. Reeds commented that he doesn't see how this small area plan can be enforced.

Mr. Dix stated that this plan, he believes, wasn't written to help development and was written to stop an apartment complex. This is not a regulatory document, but it is a guide and a plan, which everyone needs to keep that in mind. Mr. Dix further stated that he is ready to make a motion to move on.

Mr. Midget stated that his only concern is the policy statement about the ordinance. Mr. Midget further stated that to impose development impact fees at this point in our history is unfair for anybody else that would like to develop. Mr. Midget commented that the ordinance is basically another way around the impact fees and had the impact fees started in the 40's or 50's he would be okay with that. Mr. Midget stated that the City is trying to grow and create more businesses and the impact fees would create more hardships. Mr. Midget commented that he doesn't understand why, in the document, it is necessary to get our blessings to say "do not build a subdivision until the infrastructure is in place". Mr. Midget stated that he hasn't seen one yet where a building comes in to build and not make sure that the infrastructure is in place. In our current development process the city lines and sewer are requirements. Mr. Midget further stated that he thinks this policy could be misinterpreted twelve years from now. Mr. Midget explained that he wants to get it on the record what is actually being stated with this policy. Mr. Sherman stated that the goal is, like any policy guide, is start the conversation and perhaps people at a political level may decide that this should have been done in the 40's or 50's and perhaps people might think it should be done today or do a thorough impact study to decide a better path. Mr. Sherman further stated that this plan really wants to get people to that stage where they talk about it. Mr. Midget stated that the plan does more because it talks about an ordinance. Mr. Sherman stated that perhaps the wording should be modified from "support implementation" to "consider implementation".

Mr. Carnes stated that the City is going to force the developer to provide the water and sewer, etc. which is required before obtaining a building permit to start to work. Mr. Carnes further stated that the City already has this covered.

Mr. Dix stated that he believes that Mr. Schuller's concern is the suggestion of building a collector street and that is what the plan is asking for. Mr. Dix explained that the plan is asking the developer to build a street. Mr. Midget stated that he is getting the same understanding.

Ms. Miller stated that the collector street could be a small piece of it, but in the bigger picture of infrastructure or concurrency ordinances, concurrency could cover a lot of things. Ms. Miller explained that there is already a cost to connect to sewer and stormwater fees and those are in effect impact fees because they are paying for the impact of their

development. Ms. Miller further explained that a lot of communities take it further and include exterior roads to the development. Some communities have impact fees for parks, trails, schools, etc. Ms. Miller explained that impact fees help pay to support those things and so that the Cities don't have financial problems maintaining them.

Mr. Dix stated that he is familiar with what impact fees for and mainly they are used as a political tool to stop other people from competing with certain people. Ms. Miller stated that she has worked in a lot of communities where they have impact fees and they help maintain roadways nicely and there are positive things about impact fees. Mr. Dix stated that obviously there are impact fees that serve a purpose, but in this case we are not talking about impact fees, Mr. Sherman brought it into the conversation. Ms. Miller stated that impact fees are a way to get there and she has worked on impact fees in Oklahoma City and she understands the issues with that. Ms. Miller further stated that when she read this particular policy statement it did not alarm her because of the way she read it. Ms. Miller explained that she understood it to mean that if there was an ordinance in place that this plan would support the implementation of one, not the creation of one. Mr. Dix stated that there are people within our government here that would take that and run with it. Ms. Miller stated that she can't speak to how everyone would interpret it, but that was clearly how it fell in her mind.

Mr. Midget stated that he supports the proposed plan, but the policy regarding the ordinance is his angst. Mr. Midget further stated that he understands what they are trying to do and it would be great if developers did build the streets to widen them, etc., but he has a problem with this being in the document as a policy and he fears it will set a precedent. There are other ways to get there rather than being in this plan that will be the guide for future development because of how things change and area interpreted.

Ms. Miller suggested an alternative language: "encourage that adequate infrastructure be in place as new development occurs". Ms. Miller stated that is what everyone wants is the ability to have enough capacity for driving and travel safely. [12.11, Page 89]

Mr. Midget stated that he is more amenable to Ms. Miller's language proposal rather than an ordinance.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Liotta, Midget, Reeds, Shivel, Stirling, "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the adoption of West Highlands/Tulsa Hills Small Area Plan as an amendment to the Tulsa

Comprehensive Plan, subject to the language being changed in 12.11, Page 89 to “encourage that adequate infrastructure be in place as new development occurs”.

* * * * *

PUBLIC HEARINGS:

10. **Value Place** – Minor Subdivision Plat, Location: South and west of southwest corner of South Garnett Road and East 41st Street South (CD-7) (continued from 3/5/2014)

STAFF RECOMMENDATION:

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

The following issues were discussed February 20, 2014, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned corridor Z-5636-SP-3. The CO district plan was changed recently to allow a hotel.
2. **Streets:** North side of 40-foot access on Garnett should match MAE. Provide 25-foot radius at the intersection of 45th and Garnett. Include sidewalk section as follows: “Sidewalks shall be constructed and maintained along streets designated by and in accordance with the subdivision regulations. The developer shall construct the sidewalks in conformance with the standards of the City of Tulsa, Oklahoma.” Show sidewalk along 45th Street.
3. **Sewer:** No comment.
4. **Water:** A 20-foot waterline easement is required for water main extensions. A ten-foot waterline easement can be allowed when adjacent to other public utility easements with 15 feet or more. A water main extension is required.
5. **Storm Drainage:** The note “Zone (AE), outside the 100-year flood” is incorrect nomenclature and must be removed (even if it appears on an existing plat). Delete Section IE. Runoff and storm sewers crossing lot lines become public requiring collection, conveyance, and appropriate easements. Mutual access easement is needed for the maintenance channel.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Define KAMO in legend.
7. **Other: Fire:** A secondary access will be required per IFC 2009 Appendix D104.1.

8. **Other: GIS:** Scale is slightly off. Scale east line (310.03 not correct). Basis of Bearing should not be assumed since the basis of bearing is the line between two known monuments or corners which serve as the reference and is the basis for the survey. The legal description should be for the plat boundary being platted by metes and bounds. Identify all subdivisions on location map. Submit subdivision data control sheet.
9. **Legal:** The 26 ft. Mutual Access Easement depicted on the face of the plat should be revised to show recording information for the original Mutual Access Easement (Book 4490, page 1551) as well as the recording information for the First Amendment to Mutual Access Easement (Book 4672, page 590).
- Covenants:** The introductory language in the DOD should be revised as follows:

BROKEN ARROW LAND DEVELOPMENT, LLC, an Oklahoma limited liability company (the "Owner") is the owner of the following described land in the City of Tulsa, Tulsa County, State of Oklahoma (the "Subject Property"), to wit:

- In the language following the legal description, "Owner have" appearing in the first and second lines should be corrected to read "Owner has".
- Section I, subsection A, first line should read "the Owner hereby dedicates to the public" rather than "dedicate for public use".
- Section I, subsection A, 6th from the last line, delete "respective".
- Section I, subsection C, include standard references to storm sewer service. The phrase "in the judgment of the City of Tulsa" must be added to the next to the last line in paragraph 2 of subsection C, with the line to read "any construction activity which, in the judgment of the City of Tulsa, would interfere with . . ."
- In the title of Section I, subsection E, the phrase "and Lot Grading Restriction" should be deleted.
- Section I, subsection H, Paving and Landscaping with Easements, second line should be revised so that the language reads: "damage to landscaping and paving occasioned by the installation or necessary maintenance of. . ."
- Section I, subsection I, Mutual Access Easement should be deleted. The Mutual Access Easement depicted on the face of the plat was established by a separate instrument and amendment and the terms of the MAE are set forth in those instruments and should not be restated or interpreted in this DOD.
- Section II, second paragraph introductory language – blanks should be completed.
- Section II, third paragraph introductory language – "planned unit development" appearing in the first and last lines should be corrected to read "Corridor District".

- Section II, fourth and fifth paragraphs introductory language: “Owners desire” should be corrected to read “Owner desires”; “Owners impose” should be corrected to read “Owner imposes”; “binding upon Owners” should be “binding upon Owner”; and “their respective” should be replaced with “its”.
- Section II, subsection A should be revised to read: The development of Value Place shall be subject to the terms of Corridor Development Plan Z-5636-SP-3 and the Corridor District provisions of the Tulsa Zoning Code.
- Section II, subsection B Development Standards – Development Area A (Lot 1), should be revised in the following particulars:

The title “Architectural Standards” should be revised to read “Architectural Standards and Building Materials” and should read as follows:

The building within Lot 1 shall be constructed in conformance with the conceptual elevations included in the minutes of the February 6, 2014 meeting of the Tulsa City Council.

In the section on Lighting, the language in the Corridor District Development Plan that was affirmatively recommended by the TMAPC states that building mounted lighting shall not exceed 30 feet in height. This language is not included in the Deed of Dedication. The elevations approved by the City Council depict building mounted lights that may be higher than 30 feet, and it could be determined that the Corridor Development Plan as approved by the City Council makes the 30 foot limitation in the Plan as recommended by the TMAPC moot. Dwayne Wilkerson at INCOG should be consulted to confirm that this would be his interpretation.

In the section on Signs, the word “accessories” should be corrected to read “accessory”.

- Section II, subsection C Development Standards – Development Area B (Lot 2), should be revised in the following particulars:

In the section on Lighting, the language in the Corridor District Development Plan that was affirmatively recommended by the TMAPC states that building mounted lighting shall not exceed 30 feet in height. This language is not included in the Deed of Dedication. In the case of Lot 2, there is no building currently proposed, and no elevations were approved by the City Council. As it now stands, there is a 30 foot limitation on building mounted lighting, and this provision should be included in the DOD.

In the section on Signs, the word “accessories” should be corrected to read “accessory”.

- Section III, subsection A, first and second lines, “Owners and their respective successors” should be corrected to read “Owner and its successors”. The same correction should be made in two places in lines 7 and 8.
- Section III, subsection A, 6th line, “Corridor Development provisions” should be corrected to read “Corridor District provisions”.
- Section III, subsection A, 3rd from the last line, reference to Section III should be deleted.
- Section III, subsection C, 3rd from the last line, the phrase “processed in accordance with the provisions of Subsection H of Section 1107 of the Tulsa Zoning Code” should be deleted, and the language revised to read “pursuant to its review of a minor amendment of the Corridor Development Plan, and the filing. . .”
- Last line of the DOD should read “Owner has executed” rather than “Owners have executed”.

Caveat: Tulsa Metropolitan Area Subdivision Regulation 2.6, Final Construction Plans, requires that “final construction plans for proposed improvements” shall be submitted “prior to or simultaneous with the application for Final Plat”. Paragraph 4. of Regulation 2.6 states that upon concurrence of the TMAPC and the appropriate City department, the requirement for approval of final construction plans may be delayed, provided that the restrictive covenants, naming the City as beneficiary, shall include a provision requiring submission and approval of final improvement plans prior to the issuance of a building permit.

If final construction plans are not presented with the application for the final Plat, and the TMAPC and the appropriate City department have agreed to the delay, the following covenant should be included on the face of the Plat or in the Deed of Dedication:

Pursuant to Section 2.6.4 of the Subdivision Regulations for the Tulsa Metropolitan Area (the “Subdivision Regulations”), the final improvement plans shall have been approved by the City of Tulsa “(City)” prior to the issuance of a building permit, and the City shall be the beneficiary of the foregoing restrictive covenant; provided, however, that nothing contained within this covenant shall prevent the Tulsa Metropolitan Area Planning Commission from authorizing an accelerated release of a building permit under the provisions of Section 2.5 of the Subdivision Regulations.

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 Development Services and Engineering Services staffs 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:

Dave Cocolin, 4500 South Garnett, Suite 600, 74146, stated that he is not present to speak in support or against the proposed project. Mr. Cocolin expressed concerns with traffic flow and center medians on Garnett Road. He requested that the City of Tulsa allow another entrance into the subject area and remove the center median on Garnett Road. Mr. Cocolin expressed concerns with traffic from Garnett into the subject area.

Discussion ensued regarding ODOT and the inability to allow entrances and traffic lights. Mrs. Fernandez stated that she would be happy to send minutes of this meeting to Traffic Engineering and see what is going on.

Applicant's Rebuttal:

Malek Khoury, P.O Box 52231, Tulsa, OK 74152, stated that the access to the hotel, as it was presented on the detail site plan, will be from the west over the bridge, which is 45th Street. There is an existing access easement that was filed of record across the property that Mr. Cocolin has mentioned. The access easement was recommended to be used as a secondary measure for emergency vehicles. The Fire Marshal requires two means of access to the building because it exceeds 30 feet of height. The main access will be from 45th Street and that is how the road has been built.

TMAPC COMMENTS:

Mr. Dix stated that is a strange access he has ever seen for a hotel. Mr. Khoury stated that is why the subject property has been sitting empty for a long time. Mr. Khoury further stated that the Value Place customers will be entering the hotel after 5:00 p.m. and people leaving the businesses will be leaving at 5:00 p.m.

Mr. Reeds stated that the Value Place is an extended stay and there will be less conflict in traffic in result of its use.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Liotta, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; Walker "abstaining"; none "absent") to **APPROVE** the minor subdivision plat for Value Place per staff recommendation, subject to special conditions and standard conditions.

* * * * *

11. **Z-7258 – Rosenbaum Consulting, LLC**, Location: Southwest corner West 24th Street and Southwest Boulevard, Requesting rezoning from **CS/CH to CH**, (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 13966 dated October 28, 1977, and 11814 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

No relevant history.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2+ acres in size and is located Southwest corner West 24th Street and Southwest Boulevard. The property is partially developed with a bank and is zoned CS/CH. The purpose of this rezoning request is to rezone the entire site to CH.

SURROUNDING AREA: The subject tract is abutted on the east by an existing bank facility, zoned CH; on the north by an expressway on and off ramp further north across the ramp a large mix of light industry, zoned IL; on the south by a single family residence, zoned RM-1; and on the west by Highway 75. Further west across the highway is a large industrial complex, zoned IM.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates Southwest Boulevard as a Secondary Arterial however there are no multimodal components associated with this section of Southwest Boulevard.

Rezoning will require a new subdivision plat and normally additional right of way would be required to meet the minimum right of way standards defined in the Major Street and Highway Plan. An existing bank building is constructed within 5 feet of the existing Southwest Boulevard right of way. The property owner is expanding the bank facility with no plans to remove the existing building.

During the Technical Advisory Meeting the concept was discussed and it was determined that additional right of way requirements was not essential to maintain the current functional requirements of Southwest Boulevard at this location.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Southwest Boulevard	Secondary Arterial	100 feet	4+
West 24 th Street	NA	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

Z-7258 is included in a Town Center and an Area of Growth. The rezoning request will complement the vision identified and remove future barriers to expanding development on this site. The CH zoning designation will provide many future opportunities for development and allow density to match the long term vision for the area.

Land Use Designation: (Town Center)

A Town Center Designation Area is defined as a 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.

Growth and Stability Map: (Area of Growth)

The purpose of an Area 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 agreements exists 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 in 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 RECOMMENDATION:

Requested CH zoning is consistent with the vision identified in the Tulsa Comprehensive Plan and the expected development pattern in the area.

The requested CH zoning is harmonious with the existing development on the site and the existing surrounding properties.

Therefore **staff recommends APPROVAL** of Z-7258 for the rezoning from CS to CH.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Liotta, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the CH zoning for Z-7258 per staff recommendation.

Legal Description for Z-7258:

A PART OF CLINTONDALE ADDITION, AN ADDITION TO THE CITY OF TULSA, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION FOURTEEN (14), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, RECORDED AS PLAT NUMBER 173, IN THE OFFICE OF THE TULSA COUNTY CLERK. MORE PARTICULARLY DESCRIBED AS FOLLOWS: *BEGINNING* AT THE NORTHEAST CORNER OF LOT 1, BLOCK 5 OF SAID CLINTONDALE ADDITION; THENCE S 01° 05' 07" E, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 140.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE CONTINUING S 01° 05' 07" E A DISTANCE OF 20.00 FEET, TO THE NORTHEAST CORNER OF LOT 12 OF SAID BLOCK 5; THENCE CONTINUING S 01° 05' 07" E, ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 140.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 12; THENCE S 88° 54' 53" W, ALONG THE SOUTH LINE OF SAID LOT 12, LOT 11, LOT 10, LOT 9, LOT 8 AND LOT 7, ALL OF SAID BLOCK 5, A DISTANCE OF 300.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE N 01° 05' 07" W, ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 140.00 FEET, TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE CONTINUING N 01° 05' 07" W A DISTANCE OF 20.00 FEET, TO THE SOUTHWEST CORNER OF LOT 6 OF SAID BLOCK 5; THENCE CONTINUING N 01° 05' 07" W, ALONG THE WEST LINE OF SAID LOT 6, A DISTANCE OF 140.00 FEET, TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE N 38° 43' 13" E, A DISTANCE OF 78.10 FEET, TO THE SOUTHWEST CORNER OF LOT 8 OF BLOCK 4 OF SAID CLINTONDALE ADDITION; THENCE N 88° 54' 53" E, ALONG THE SOUTH LINE OF SAID LOT 8, LOT 9, AND LOT 10, ALL OF SAID BLOCK 4, A DISTANCE OF 150.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE S 01° 05' 07" E A DISTANCE OF 60.00 FEET, TO THE NORTHWEST CORNER OF LOT 2 OF SAID

BLOCK 5; THENCE N 88° 54' 53" E, ALONG THE NORTH LINE OF SAID LOT 2 AND SAID LOT 1, ALL OF SAID BLOCK 5, A DISTANCE OF 100.00 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 2.307 ACRES / 100,500.00 SQUARE FEET.

* * * * *

OTHER BUSINESS

13. Consider Initiation of Rezoning, Lot 1, Block 1, Berryhill Estates

STAFF RECOMMENDATION:

At the February 19, 2014 Planning Commission meeting the rezoning for the Berryhill annexation area, Z-7253, as recommended for approval by staff was recommended for approval by the Commission. At that meeting the fact that parcel #103 should be considered for rezoning was discussed. This parcel is vacant at this time but was previously zoned RS (Residential Single-Family) in the County. It also has been platted as the Berryhill Estates Addition.

The parcel map for the Berryhill annexation study showed the site a one large parcel because there has been no construction on the site. Through staff site visits the property was visibly vacant and undeveloped property. Due to these conditions, the parcel was recommended originally to remain AG (Agricultural) zoning after its annexation. Staff has since discovered that Berryhill Estates was platted in 2004 and consists of four lots in one block on 29 acres. It is designed for large-lot residential sites.

As the property was RS zoning before the annexation, and has been properly platted, it therefore should be considered for the appropriate RS-3 zoning in the City Limits. Staff recommends that the Commission initiate the rezoning for this parcel from AG (Agricultural) to RS-3 (Residential Single-Family) as an additional part of the Berryhill rezoning study.

TMAPC COMMENTS:

Mr. Covey asked if this would affect any surrounding properties. Mrs. Fernandez answered negatively. Mrs. Fernandez stated that she would like to say for the record that Steve Sherman, City of Tulsa Planning Department, is a great young Planner and we will be seeing great things in the future.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Liotta, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the initiation of rezoning Lot 1, Block 1, Berryhill Estates.

- 14. **LS-20666/ LS-20667/LC-550/LC-551** (CD-5) – Application for refund of \$400.00, the applicant withdrew applications before processing.

STAFF RECOMMENDATION:

Ms. Miller stated that this is a refund for separate lot-split and lot-combinations. The applicant withdrew the application before processing and staff recommends a full refund in the amount of \$400.00.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Liotta, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **APPROVE** the refund in the amount of \$400.00 for LS-20666/LS-20667/LC-550/LC-551 per staff recommendation.

- 15. **Commissioners' Comments:** None.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Liotta, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to **ADJOURN** TMAPC meeting No. 2670.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:00 p.m.

Date Approved:

April 2, 2014


Chairman

ATTEST: 
Secretary