

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2674

Wednesday, May 21, 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	Covey	Fernandez	Duke, COT
Dix	Liotta	Hoyt	VanValkenburgh, Legal
Fretz	Walker	Huntsinger	
Midget		Miller	
Reeds		White	
Shivel		Wilkerson	
Stirling			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, May 20, 2014 at 1:13 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 1st Vice Chair Dix 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 2014 and indicated that they are generally staying consistent with the numbers from last year.

Ms. Miller reported on upcoming work sessions expected in July 2014. Ms. Miller further reported on the City Council agenda and actions.

Ms. Miller reported that there are several events coming up on May 29th for the celebration of the completion of several small area plans and a public meeting on the proposed MX-I designation for the Zoning Code.

Ms. Miller welcomed Mr. Fretz to the TMAPC and reported that Ms. Millikin's appointment is on the City Council agenda for Thursday, May 22, 2014 to replace Mr. Perkins.

Ms. Miller indicated that the Chair has agreed to allow Mr. O.C. Walker present Item 18, update on Sector Plan Process at this time. Ms. Miller introduced Mr. Walker.

Mr. Dix stated that he has known Mr. Walker for many years and he doesn't know a better person to present this information.

18. Update on Sector Plan Process (Tulsa Development Authority)

Applicant's Comments:

O.C. Walker, Executive Director, Tulsa Development Authority (TDA), explained the TDA's role in the City of Tulsa. Mr. Walker stated that his purpose today is to extend the expiration dates on the Sector Plans that are due to expire June 2, 2014. Mr. Walker further stated that the plans are being updated and RFP's were sent out for consultants and two have been chosen. Mr. Walker explained the timeline and stated the will return June 4th to request the extensions. Mr. Walker introduced Mr. Hartley, Counsel for the TDA.

John Hartley, Counsel for TDA, stated that the TDA is a special and unique entity authorized by Stated Statute under the Local Redevelopment Act and an entity created by the City of Tulsa as the City's Urban Renewal Authority. The TDA does possess the power to acquire property by either purchase or condemnation. The TDA is the only entity of the City of Tulsa that is capable of exercising the power of condemnation to acquire property and turn around and re-convey it to private entities for redevelopment.

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1. Minutes:

Approval of the minutes of May 7, 2014 Meeting No. 2673

On **MOTION** of **SHIVEL**, the TMAPC voted 7-0-0 (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling, "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to **APPROVE** the minutes of the meeting of May 7, 2014, Meeting No. 2673.

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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.

2. **LC-575** (Lot-Combination) (CD-1) – Location: South of the southeast corner of West Apache Street and North Denver Place
3. **LC-576** (Lot-Combination) (CD-1) – Location: North of the northwest corner of West 46th Street North and North Elwood Avenue
4. **Change of Access** – Parts of Lot 2 and 3, Block 1, Amended Plat of Regency Center, Location: Northwest corner of East 51st Street South and South Mingo Drive, (CD-7)

STAFF RECOMMENDATION:

This application is made to allow a change of access along East 51st Street South by deleting two accesses, shifting one access further west, and adding an access. Along South Mingo Road the proposal is to shift two accesses and delete one access. The property is zoned CS.

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.

5. **Z-7164-SP-1 – Kaw Valley Engineering, Inc./The Walk at Tulsa Hills, LLC**, Location: Northeast corner of South Olympia Avenue and West 83rd Street, requesting a **Corridor Detail Site Plan** for a new grocery store in a Corridor District, **CO**, (CD-2)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a new grocery store in one, one story building on a 1.85 acre site in a Corridor District.

PERMITTED USES:

Uses permitted as a matter of right are Use Units 1, Area Wide Uses by Right; 10, Off Street Parking; 11, Offices and Studies, Including Drive-Thru Banking Facilities; 12, Entertainment and Eating Establishments, Other Than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 15, Other Trade and Services, Limited to Dry Cleaning, Computer Repair, Data Processing Machine Repair and Electrical Repair Service; 18, Drive-In Restaurants; 19, Hotel, Motel and Recreational Facilities, Limited to Gymnasium, Motion Picture Theater (Enclosed) Health Club/Spa and Swimming Pool; 21, Limited to Private Streets, Service Roads, Storm Water Drainage, Storm Detention Facilities,

Water Cisterns, Water Features, Wind Turbines and Open Spaces. Convenience Goods and Services proposed for this project are allowed by right.

DIMENSIONAL REQUIREMENTS:

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

ARCHITECTURAL GUIDELINES:

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

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan exceeds the minimum parking defined in the Tulsa Zoning Code and the Corridor Plan.

LIGHTING:

Site lighting plans are provided. The plan illustrates a design that will meet the minimum standards outlined in the Corridor Plan and in the Zoning Code and shall be pointed down and away from adjacent property lines. All site lighting, including building mounted shall not exceed 35-feet in height. All site lighting shall be hooded and directed downward and away from the east and south boundaries of the project to the extent that light producing elements and reflectors will not be visible to a person standing at ground level within abutting residential districts or residentially used property.

SIGNAGE:

The site plan does not appear to illustrate ground sign locations, but does illustrate wall sign locations which require a separate permit. All signage will be required to meet the Corridor Plan Development Standards. 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 open space, landscape area and screening are consistent with the Corridor Plan Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code.

PEDESTRIAN ACCESS AND CIRCULATION:

The plan displays existing sidewalks along the full length of frontage of Olympia Avenue and West 83rd Street South. Per the development standards of the Corridor Plan, the site will be required to provide

pedestrian access from the collector street sidewalks to the nearest building access. This is not currently shown on the proposed site plan.

MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **Z-7164-SP-1**. 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, and the stated purposes of the Corridor District section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new Grocery Store.

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

6. **Legends on Memorial** – Final Plat, Location: East of South Memorial Drive and North of East 91st Street South, (CD 7)

STAFF RECOMMENDATION:

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

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

7. **Z-6010-SP-4A – Wallace Engineering/Jim Beach**, Location: North of East 51st, west side of South 129th East Avenue, requesting a Corridor Minor Amendment for Corridor Development Plan to allocate floor area for lot split, **CO**, (CD-7) (Related to LS-20684)

STAFF RECOMMENDATION:

This Item has been removed from the consent agenda.

8. **LS-20684** (Lot-Split) (CD-7), Location: North of East 51st, west side of South 129th East Avenue (Related to Z-6010-SP-4A)

STAFF RECOMMENDATION:

This Item has been removed from the consent agenda.

Mr. Dix indicated that there are interested parties for Items 7 and 8 and therefore these two items will be removed from the consent agenda.

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, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to **APPROVE** the consent agenda Items 2 through 6 per staff recommendation.

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

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

Mr. Wilkerson stated that Items 7 & 8 are related items and will be presented together.

7. **Z-6010-SP-4A – Wallace Engineering/Jim Beach**, Location: North of East 51st, west side of South 129th East Avenue, requesting a Corridor Minor Amendment for Corridor Development Plan to allocate floor area for lot split, **CO**, (CD-7) (Related to LS-20684)

STAFF RECOMMENDATION:

The applicant has requested a minor amendment to allocate allowable floor area supporting a Lot Split in Lot-2, Block-1 Metris Call Center.

MINOR AMENDMENT REQUEST:

LOT-2 BLOCK-1 METRIS CALL CENTER ALLOCATION SUMMARY:

TOTAL FLOOR ALLOWED: 130,965

TRACT 1 FLOOR AREA ALLOCATION: 54,760 square feet of floor area.

TRACT 2 FLOOR AREA ALLOCATION: 126,986 square feet of floor area.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 8006 Corridor District Administration Chapter D, Amendments of the City of Tulsa Zoning Code.

“minor changes in the proposed corridor development plan may be authorized by the Planning Commission, which shall direct the processing of an amended site plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved sit plan and the purposes and standards of this chapter. “

- 1) This request is only allocates floor areas previously defined at a much larger scale. This allocation of building coverage is not injurious to the other properties in the Corridor Development Plan.
- 2) The requested amendment does not represent a significant departure from the approved development standards in the original Corridor Development Plan or the previous amendments.
- 3) The property has already been platted and a site plan approved therefore no further plat or site plan revisions are expected at this time.

With considerations listed above and outlined in Section 1, staff recommends **approval** of Z-6010-SP-4.

8. **LS-20684** (Lot-Split) (CD-7), Location: North of East 51st, west side of South 129th East Avenue (Related to Z-6010-SP-4A)

Mr. Wilkerson stated that the plans for requiring utility extensions have not been approved by the City and he isn't sure if they have been submitted to the City at this time. Staff would not typically stamp the deeds until those plans are done.

Applicant's Comments:

Jim Beach, Wallace Engineering, 200 East Brady Street, 74103, stated that he believes that Mr. Sack is the one that actually wanted this case pulled from the consent agenda. He is requesting a condition of approval that the extension of the sanitary sewer and storm sewer utilities must be completed prior to stamping of the deeds for the lot-split.

INTERESTED PARTIES COMMENTS:

Ted Sack, Sack and Associates, P.O. Box 50070, 74150, stated that he is in agreement with the minor amendment. Mr. Sack indicated that in the lot-split one of the conditions he wanted to make sure that the sanitary sewer and storm sewers are under contract prior to the release of deeds.

Jack Wright, 2341 West Albany Street, Broken Arrow, 74012, stated that there are protective covenants in place that he wanted to make sure are being followed. Mr. Wright indicated that he has not seen the plans for the subject project.

Applicant's Rebuttal:

Mr. Beach stated that the detail site plan was approved about two months ago and the conditions and standards are consistent with the Corridor District. Mr. Beach further stated that this development will be in conformance with the covenants and restrictions.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to **APPROVE** the corridor minor amendment for Z-6010-SP-4A per staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to **APPROVE** the lot-split for LS-20684 per staff recommendation, subject to the storm water and sanitation sewer be under contract before the deed is stamped.

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PUBLIC HEARINGS:

9. **The Preserve** – Preliminary Plat, Location: North of the northwest corner of East 131st Street and South Sheridan Road, (CD-8)

STAFF RECOMMENDATION:

This plat consists of 173 Lots, 9 Blocks, on 80 acres.

The following issues were discussed May 1, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3. Lot sizes must be shown and meet the zoning district in which they are located. In this area the developers must acknowledge that there have been plans for a bridge crossing near Bixby and that the area may need to accommodate least terns and eagles and special habitats near the river. (See City of Bixby comments following.)

- 2. Streets:** For the limits of no access, show the dimensions in the breaks in the Limits of No Access for the public streets, but do not label as "Access". Typically public streets do not need to be identified as allowable access points. There needs to be dedication of all needed right-of-way to allow the east-west collector street to connect to the north-south collector street. Also clarify who will be responsible for constructing the final link and at what point. Use standard sidewalk language. Specific streets names should not be mentioned.
- 3. Sewer:** Define what a B/U is in the legend. Reserve B must also be either a utility easement, or a sanitary sewer easement, since they have a sanitary sewer line located within the Reserve area. Provide a distance for the width of Reserve B somewhere behind Lot 19, Block 2. Provide the easement width along the west boundary line of Reserve A. Identify the width of the utility easement along the north line of Block 9. Continue the 30-foot utility easement along the east boundary of the plat, all the way through Lot 9, Block 6. The 7.5-foot utility easements in Lots 4 and 5, Block 6, need to be sanitary sewer easements with the pipe centered within the easement. If other utilities will use the easement, then the easement needs to be larger. In Section I A, add Walls to the Building Structures that are not allowed within the easement. Also, in Section I D 2, omit "and walls" where it occurs after Customary Screening Fences. Under section II M; Brick Stucco or Natural Stone Walls will not be allowed within a utility easement where a sanitary sewer line is located. Show the easement width for the off-site sanitary sewer line. In Blocks 4 and 9, extend the terminus manhole to a point where it can be accessed for service, without the manhole being enclosed within a fenced yard. Be sure the sewer line is deep enough to serve the entire basin. However, if the pipe exceeds 16 feet in depth, then another lateral will be required in order to meet the depth requirements.
- 4. Water:** Along street roadways within the development a minimum utility easement width of 17.5 feet is requested. A 12-inch water main is required to be extended along South Sheridan Road from the existing 12-inch mainline north of East 126th Street South and placed in the appropriate right-of-way or easement. Add a blow off hydrant to the stub waterline to north.
- 5. Storm Drainage:** Provide minimum finished floor elevations for the lots. Provide a note stating that the runoff from all lots will be conveyed through an offsite pond and then directly to the Arkansas River. The offsite pond must be placed in an appropriate easement and location of that easement must be shown on the face of plat and along with reference to the dedication document. Cover maintenance of the runoff conveyance system (pond?) to the river along with the maintenance of the reserve areas. Provisions must be made for the conveyance of floodwaters from the north and west since presently the waters flow through this property. Some proposed storm lines

are not shown in easements. A minimum 15-foot easement is required.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional and wider easements may be needed.
7. **Other: Fire:** Fire hydrant spacing shall meet the requirements of the International Fire Code 2009 section 507.5.
8. **Other: GIS:** Label Section line running north and south through middle of plat, remove or identify line running north and south of west street on sheet 2, label plat as to whether section corner pins were found or set or are the Section corners calculated, move location map to the upper right hand corner, need street names on final plat, need 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 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.

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 **MIDGET**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to **APPROVE** the preliminary plat for The Preserve per staff recommendation, subject to special conditions and standard conditions.

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10. **The Estates at The River –** Preliminary Plat, Location: East of southeast corner of East 121st Street and South Yale Avenue, (CD-8)

STAFF RECOMMENDATION:

This plat consists of 89 Lots, 5 Blocks, on 31 acres.

The following issues were discussed May 1, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned Planned Unit Development 803 (RS-3). Lot sizes must be shown and meet PUD requirements. In this area developers must acknowledge that there have been plans for a bridge crossing near Bixby and that the area may need to accommodate least terns and eagles and special habitats near the river. (See City of Bixby comments following.)
2. **Streets:** Right-of-ways should be called out as “Dedicated by this plat”. Provide radius for northeast corner. Use standard sidewalk language. For the limits of no access, show the dimensions in the breaks in the Limits of no Access’s for the public streets, but do not label as “Access”.
3. **Sewer:** Add B/U and F/E to the legend. The 7.5-foot utility easement in Lots 7 and 8, Block 1 should be a sanitary sewer easement. Show the width of the utility easement along the south boundary of Block 2. In Section I add Walls to the Building Structures that are not allowed within the easement. Also, in Section I 3 2; omit “and walls” where it occurs after Customary Screening Fences. Under Section IV 4.13; Brick Stucco or Natural Stone Walls will not be allowed within a utility easement where a sanitary sewer line is located. In Blocks 4, 5 and 6, extend the terminus manhole to a point where it can be accessed for service, without the manhole being enclosed within a fenced yard. Be sure the sewer line is deep enough to serve the entire basin. However, if the pipe exceeds 16 inches in depth, then another lateral will be required in order to meet the depth requirements.
4. **Water:** Along street roadways within the development a minimum utility easement width of 17.5 feet is requested. Install the proposed water lines eight feet off of property line. Add a blow off hydrant to the stub waterline to south. It is recommended that fire hydrants be installed at street intersection corners for reaching spacing requirements.
5. **Storm Drainage:** Provide minimum finished floor elevations for the lots. Floodplain issues such as detention and compensatory storage have not been, and must be addressed. Provisions must be made for the conveyance of floodwaters from the west since presently the waters flow through this property.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed.
7. **Other: Fire:** The street along the east side of the development is a dead end street and will require a turnaround per the International Fire Code 2009 section D103.4.
8. **Other: GIS:** Label plat as to whether section corner pins were found or set or are the section corners calculated. Move location map to the upper right hand corner. Submit 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 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:

James Mayoza, 5977 East 121st Street, 74137, stated that he in lives on 20 acres and has five additional acres to the west of his property. Mr. Mayoza expressed concerns about the density of 89 houses, traffic and safety issues. Mr. Mayoza further stated that this is poor planning for the future of Tulsa.

Jenny Neel Mayoza, 5977 East 121st Street, 74137, stated that she is concerned about the lack of notice for when the zoning was changed. Ms. Mayoza expressed the same concerns as her husband about the traffic and safety issues. Ms. Mayoza concluded that she is opposed to the 89 homes and it appears that there are more to follow in the next phase and it will increase the traffic and it is in a flood zone.

Applicant's Rebuttal:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, 74105, stated the that the PUD application was approved approximately six weeks ago and why Ms. Mayoza didn't receive a notice he isn't sure and one would have to check the INCOG records. Mr. Jones reminded the Planning Commission that the rezoning with the PUD was in accordance with the Comprehensive Plan and is following the development guidelines. Mr. Jones stated that the subject lots are larger than the smallest lot permitted in the RS-3 zoning and RS-3 zoning would allow 5.1 dwelling units per acre and he is developing at less than that. This is the last piece of really nice property in the subject area in South Tulsa. There will be more phases coming for the entire area and Bixby is building a new school in the subject area. Mr. Jones concluded that he is meeting all the requirements and he is in agreement with the staff recommendation. Mr. Jones stated that he is aware of the flood zone in the subject area and he has built other developments within the subject area. Mr. Jones indicated that he is in agreement with the staff recommendation for the preliminary plat and requested that it be approved.

TMAPC COMMENTS:

Mr. Midget stated that the proposal is in accord with the Comprehensive Plan and moved to approve the preliminary plat. Mr. Carnes seconded.

Mr. Dix stated that before this goes to a vote he would like to make a comment to Mr. Mayoza. Mr. Dix explained that the City doesn't have the funds to build streets and intersections where they wish the developer would develop. The City operates based on warrants and once the wants or warrants are present, then the City will be able to improve the streets and intersections. Mr. Dix stated that development can't be stopped due to infrastructure inadequacy.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to **APPROVE** the preliminary plat for The Estates at The River per staff recommendation, subject to special conditions and standard conditions.

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11. **PUD-759 A** – Plat Waiver, Location: Northwest corner of the intersection of East 121st Street South and South Sheridan Road, (CD-8)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment to PUD 759 A.

Staff provides the following information from TAC for their May 1, 2014 meeting:

ZONING: TMAPC Staff: The property has been previously platted.

STREETS: No comment.

SEWER: No comment.

WATER: No comment.

STORMWATER: Floodplain atlas shows that most of the property lies within the Tulsa Regulatory Floodplain.

FIRE: No comment.

UTILITIES: No comment.

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.	X	
10. Is this a Major Amendment to a P.U.D.?	X	
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

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.

Mr. Carnes out at 2:11

INTERESTED PARTIES COMMENTS:

Jenny Neel, 5977 East 121st ST, 74137, stated that she sees this as the applicant taking a corner that was commercial and enlarging it and taking homes out of that area to make commercial buildings. Ms. Neel stated that we need more homes in South Tulsa and the subject area and the applicant shouldn't be allowed to put up office buildings.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Covey, Liotta, Walker "absent") to **APPROVE** the plat waiver for PUD-759-A per staff recommendation.

* * * * *

Mr. Carnes in at 2:12

12. **Z-7263 – TMAPC**, Location: Berryhill Annexation Area/northwest corner of South 57th West Avenue and West 36th Street, Requesting rezoning from **AG to RS-3**, (CD-2)

STAFF RECOMMENDATION:

At the February 19, 2014 meeting, the Planning Commission recommended approval of the rezoning for the Berryhill annexation area, Z-7253, as recommended by staff. At that meeting the fact that parcel #103 should be considered for rezoning was discussed. This parcel is currently vacant 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 as 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 4 Lots, in 1 Block, on 29 acres. It is designed for large lot residential sites. Therefore, at staff's request, the Planning Commission initiated this rezoning on March 10, 2014.

DETAILED STAFF RECOMMENDATION:

As the property was RS zoning in the County before the annexation, and has been properly platted, it should be considered for the appropriate RS-3 zoning in the City Limits.

Therefore staff recommends APPROVAL of Z-7263 to rezone the property from AG to RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Comprehensive Plan designations for the property along the Expressway alignment may be determined through a future land use plan analysis in a subsequent phase of study for this area.

Land Use Vision:

Land Use designation: N/A
Growth and Stability: N/A

Transportation Vision:

Major Street and Highway Plan: Gilcrease Expressway alignment

Trail System Master Plan Considerations: N/A

DESCRIPTION OF EXISTING CONDITIONS:

Site Analysis: The subject property is approximately 21± acres in size and is located in the Berryhill Annexation area/ northwest corner of S. 75th W. Ave. and W. 36th St. The property is vacant and zoned AG.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 57 th West Avenue	Commercial Collector	80'	N/A

UTILITIES:

The subject tract has water and sewer available.

SECTION III: Relevant Zoning History:

ZONING ORDINANCE: Ordinance number 22727 dated August 16, 2012, states the annexation into the City of Tulsa and established zoning for the subject property as AG.

** Resolution number 98254 dated September 15, 1980 established zoning for the subject properties when they were in the unincorporated Tulsa County limits.

Z-7253 April 2014: All concurred in approval of a request for rezoning 78± acres of land, from AG to RS-3/ IL/ IM for purposes of rezoning the annexed property back to the original zoning when it was unincorporated Tulsa County limits, on property located within the Berryhill Annexation area.

BOA-21584 July 9, 2013: The Board of Adjustment approved a Special Exception to allow a manufactured home (Use Unit 9) in an AG district, subject to conceptual plan on 7.10 showing the proposed location of the home, all driving and parking surfaces are paved with a dust free all-weather surface, the manufactured home is to be skirted and tied down, with a time limit of 25 years from date of approval, on property located at 3330 S. 57th W. Ave. and also known as the subject property.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; Covey, Liotta, Walker "abstaining"; none "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-7263 per staff recommendation.

Legal Description for Z-7263:

Lot 1, Block 1, Berryhill Estates, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

- 13. **Z-7264 – CBC Builds, LLC/Harry D. Grande Sr.**, Location: East of South Madison Avenue between 38th Place and East 39th Street, Requesting rezoning from **RS-3 to RS-4**, (CD-9)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT: The applicant has requested a rezoning from RS-3 to RS-4 in order to develop 6 single family lots on this site. The

applicant intends to develop 50' wide lots, which is consistent with the pattern of the residential lot sizes in the surrounding area. The proposed single family lots will be oriented towards and face existing homes in the neighborhood.

DETAILED STAFF RECOMMENDATION:

The requested RS-4 zoning is consistent with the development pattern of the surrounding properties.

RS-4 zoning is non-injurious to proximate properties and will utilize an area where infrastructure already exists.

The requested RS-4 zoning is consistent with the vision of the Comprehensive Plan.

Therefore, staff recommends Approval of Z-7264 to rezone the property from RS-3 to RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The requested zoning is consistent with the vision identified in the Comprehensive Plan for Existing Neighborhood and Area of Stability. It is envisioned that small scale infill will occur in these areas.

Land Use Vision:

Land Use Plan map designation:

The site has an *Existing Neighborhood* land use designation.

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.

Areas of Stability and Growth designation:

The site is located in an *Area 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. 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.

Transportation Vision:

Major Street and Highway Plan:

East 38th Place and East 39th Street are considered residential streets. There are no provisions in the Major Street and Highway Plan for these streets or future street improvements.

Trail System Master Plan Considerations:

An existing multi-purpose trail system that extends across the region exists in River Parks, which is less than one half mile from the site.

Small Area Plan:

The site is located within the Brookside Infill Neighborhood Plan area that was adopted in 2002. The Brookside Infill Development Design Recommendations (a component of the Brookside Infill Neighborhood Plan) predominately addresses recommendations for public improvements and commercial portions of Brookside. Exhibit 3 on page 8 of the document illustrates appropriate vs. inappropriate infill development in residential areas (see attached).

Since this is not a Planned Unit Development, there is no mechanism to regulate specific design features of future residential dwellings. However, existing zoning standards for RS-4 zoning will ensure appropriate height and setbacks for the district.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject site is currently vacant and surrounded by 1950's era single family homes. A single family

home existed on the subject site that was destroyed by fire several years ago.

The existing RS-3 zoning district, which requires a minimum of 60' wide lots, is prevalent in the surrounding area; however, the vast majority of the lots in the neighborhood do not meet this minimum and are non-conforming (see attached map showing surrounding lot sizes).

Site Analysis: The subject property is approximately 1± acres in size and is located east of S. Madison Ave between E. 38th Pl. and E. 39th St. The property is vacant and zoned RS-3.

Surrounding Properties: The subject tract is abutted on the east by north, south, east and west by single family homes, zoned RS-3.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 38 th Place	None	50 feet	2
East 39 th Street	None	50 feet	2

UTILITIES:

The subject tract has municipal water and sewer available.

SECTION III: Relevant Zoning History:

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

BOA-16607 May 10, 1994: The Board of Adjustment **DENIED** a *Special Exception* to permit duplex dwelling finding that duplex use is comparable to spot zoning in this instance and is not compatible with the established residential neighborhood, on property located east of the southeast corner of E. 38th Pl. and S. Madison Ave. and also known as the subject property.

Ms. Miller stated that once this request came it staff looked at the lot dimensions and current zoning. The existing zoning, which is RS-3, required a minimum of 60-foot lots and after looking at the existing lot widths in the subject area they are primarily not 60-foot wide lots. Ms. Miller stated that many of the homes have been around for over 50 years and they are non-conforming. Ms. Miller pointed out the various lot sizes in the subject area and the majority are 50-foot lots. The applicant would like to take the subject property and make six 50-foot wide lots with three homes facing on 38th Place and three facing on 39th Street. Ms. Miller stated that the applicant met with the neighbors and there have been

some discussion about the character of the homes. Ms. Miller concluded that staff recommends **APPROVAL**.

INTERESTED PARTIES COMMENTS:

Wesley Nelson, 3903 South Madison Avenue, 74105, stated that the subject property has a pending lawsuit for specific conformance contract for deed, Case # CJ-2014-1745 for specific conformance adverse position and adjust enrichment. Mr. Nelson explained that his dream/plan for the subject property was to build one house with a great yard and a garden, which would be a continued complement to the neighborhood. Mr. Nelson stated that two or four homes could complement the neighborhood, but six houses would look jammed in. Mr. Nelson requested that the zoning change be denied.

TMAPC COMMENTS:

Mr. Dix asked Mr. Nelson about his lawsuit and which property it is for. Mr. Nelson stated that once he brought the property someone else got involved and there was a lawsuit back and forth. Mr. Nelson explained that he has a contract for deed on the subject property that is 20 years old and he also has a court order telling him to mow, maintain, secure and insure the property that he has provided for 20 years. The applicant purchased the property from someone that claims to have inherited it and everything is pending in court.

Ms. VanValkenburgh asked Mr. Nelson several questions regarding his relationship with the subject property. Mr. Nelson explained that he was under the assumption that he has to mow, secure and insure the subject property because he had a contract for deed and did so for 20 years.

Mr. Carnes stated that the Planning Commission probably shouldn't be hearing this until it is determined who owns the subject property. Ms. VanValkenburgh stated that if there is a question as to the ownership of the property it should be continued so staff can investigate.

Applicant's Comments:

Bob David, 4605 East 91st Street, 74137, stated that he is presenting the purchaser of the subject property. He explained that he has a valid real estate contract to purchase the property with the owner that is entitled. Mr. David stated that this is all verifiable. Mr. David further explained that he was prepared to close on the subject property and five to six days prior to closing there was a notice of interest filed by Mr. Nelson. Mr. David explained that in 1998 Mr. Nelson was denied and to continue this case is really doing a disservice to the people who are entitled. Mr. David stated that there is a counter suit and it will clear this issue. Mr. David requested that the case be approved.

Mr. Dix stated that according to Legal the Planning Commission can't move forward with this application.

Mr. Frey moved to continue Z-7264.

Ms. VanValkenburgh stated that the Planning Commission can't serve as the judicial body to determine title of the property. Mr. David stated that he is not asking the Planning Commission to determine ownership, but to approve the rezoning. Ms. VanValkenburgh stated that only the owner of the property can apply for the rezoning and until that is determined judicially or some resolution the Planning Commission can't proceed.

Ms. Miller stated that she heard very little about this and her understanding was that there was a dispute that someone had a contract on the subject property, but she didn't realize until Dwayne attended the neighborhood meeting that there was this issue. Ms. Miller explained that she isn't familiar with what the rules are regarding this type of situation.

Mr. Dix stated that he understood that contracts of deed are not legal in the State of Oklahoma. Ms. VanValkenburgh stated that the Planning Commission can't get into all of the details.

Discussion ensued and it was determined that this case would need to be continued one month. Interested parties were concerned that the courts may take more than one month. Ms. Miller stated that she would keep the neighborhood informed if the case has to be continued an additional time.

TMAPC Action; 7 members present:

On **MOTION** of **FRETZ**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Stirling, Shivel "aye"; no "nays"; none "abstaining"; Covey Liotta, Walker "absent") to **CONTINUE** the rezoning case for Z-7264 to June 18, 2014.

* * * * *

14. **Z-5620-SP-13 – EAN Holdings, LLC/Southwest Division**, Location: North of northeast corner of South Memorial Drive and East 93rd Street, Requesting a **Corridor Development Plan** to expand allowable uses for office use and automobile leasing/rental use, **CO**, (CD-7)

STAFF RECOMMENDATION:
DEVELOPMENT CONCEPT:

CORRIDOR DEVELOPMENT PLAN: Z-5020-SP-13

APPLICANT CONCEPT

The subject tract was originally constructed as shown on the attached site plan and landscape plan. There are no proposed changes being made to the plan except to bring the landscaping back to its original condition. The site is located south of the southeast corner of East 91st Street and South Memorial, and is zoned CO. The TMAPC and City Commission previously approved a Corridor Site Plan for an automobile insurance office and evaluation area. This development plan changes the allowed uses from an insurance office and evaluation area to all uses in Use Unit 11 and Use Unit 17 (but limited to car and light truck leasing and rental).

DEVELOPMENT STANDARDS:

Net land area: 2.88 acres

Uses Allowed: Use Unit 17, (Automotive and Allied Activities but limited to car and light truck leasing and rental, light maintenance activities similar to windshield chip repair and minor door ding repair is allowed. Collision repair and heavy mechanic work is prohibited. Use Unit 11, (Offices, Studios and Support Services)

Maximum Floor Area:

Office Area	9,295 sq. feet
Evaluation Area – 3 bays	1,307 sq. feet

Maximum Building Coverage: 16.3%

Maximum Building Height: 21 Feet

Minimum Parking Spaces: 75 spaces including display and storage for auto rental. Parking spaces for auto rental must meet the landscape standards defined in the landscape chapter of the zoning code.

Minimum Building Setbacks:

From Centerline of Memorial	150 feet
From North Property Line	22 feet
From South Property Line	29 feet
From East Limit of Development	118 feet

Signage: ~~One 2' wide by 10' high sign on the 10' pole not taller than 18' above finished grade. One 20 square foot sign not to be taller than 18 feet above the finished grade.~~

Landscaping: All landscaping shall be installed and maintained to conform with the landscape plan approved in 1985 and attached to this document.

Sidewalks: Sidewalks meeting City Standards shall be constructed in the street right of way or green space between the right of way and parking area across the entire frontage of the lot.

DETAILED STAFF RECOMMENDATION:

The Corridor Development Plan is compatible with the existing site and all surrounding properties. South of this site is an existing apartment complex which is adjacent to the evaluation area on this property. The approval of Use Unit 17 can only be found compatible with limitations to the type of maintenance work provided at the facility.

Z-5620-SP-13 is consistent with the Tulsa Comprehensive Plan.

Staff recommends Approval of Z-5620-SP-13 as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The remodeling of the existing building and adding uses is consistent with the Comprehensive Plan designation of this area.

Land Use Vision:

Land Use Plan map designation:

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.

Areas of Stability and Growth map designation:

This is an Area of Growth which identifies area 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 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.

Transportation Vision:

Major Street and Highway Plan:

The Major Street and Highway Plan has been implemented with the exception of sidewalks. This Corridor Development Plan will add sidewalks to this section of Memorial and connect to existing sidewalks immediately north of this building.

DESCRIPTION OF EXISTING CONDITIONS:

Site Analysis: The subject property is approximately 3± acres in size and is located north of northeast corner S. Memorial Dr. and E. 93rd St. The property appears to be a vacant office building and is zoned CO.

Surrounding Properties: The subject tract is abutted on the east by vacant land zoned CO and PUD 704, on the north by a large used car dealership, zoned PUD 704; on the south by multifamily residential, zoned CO; and on the west by large car dealerships, zoned PUD 405H and 405C

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 feet	4+

UTILITIES:

The subject tract has municipal water and sewer available.

SECTION III: Relevant Zoning History:

ZONING ORDINANCE: Ordinance number 15232 dated December 11, 1981, established zoning for the subject property.

Subject Property:

Z-5620-SP-5 October 1985: All concurred in approval of a request for a Corridor Development Plan on a 3± acre tract of land to increase permitted floor area, decrease some setbacks and amend screening requirements, on property located north of northeast corner S. Memorial Dr. and E. 93rd St.

Z-5620-SP-4 December 1984: All concurred in approval of a request for a Corridor Development Plan on a 3± acre tract of land for an automobile insurance claims adjustment office with evaluation area, on property located north of northeast corner S. Memorial Dr. and E. 93rd St.

Surrounding Property:

PUD-704/ Z-5620-SP-12 May 2004: All concurred in approval of a proposed Planned Unit Development on a 12± acre tract of land for commercial use, including sale of new and used automobiles and services and repair of automobiles, on property located south of southeast corner East 91st Street South and South Memorial Drive.

PUD-405-H June 2000: All concurred in approval of a request for a major amendment to PUD-405 to add 16,000 square feet of allowable floor area to the existing automobile dealership on Lot 5 to expand the business on the adjoining Lot 6. The property is located on the northeast corner of East 92nd Street and South 78th East Avenue.

PUD-405-C/ Z-5722-SP-5 April 1994: All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land to add automobile and light truck sales and service uses to permitted uses in the Development Area 1-F, on property located on the southeast corner of East 92nd Street and South 78th East Avenue.

Z-5620-SP-1 June 1982: All concurred in approval of a request for a Corridor Development Plan on a tract of land for attached residential dwelling units, garden apartments and accessory uses. The proposal was broken up into 3 different Development Areas and only Development Area I was developed into the Sunchase Apartments, on property located the northeast corner of S. Memorial Dr. and E. 93rd St. and is abutting south of subject property.

Mr. Wilkerson stated that he would like to make a change to the signage language to read 20 square foot sign not to be taller than 18 feet above finished grade.

In response to Mr. Midget, Mr. Wilkerson stated that this would be an automobile leasing use that would also allow minor repair to windshields, ding repairs, but no major repairs being done.

Mr. Midget expressed concerns about hours of operation. Mr. Wilkerson stated that there is nothing in the staff recommendation that limits the hours of operation. The original use was a similar use to a leasing agent since it was an insurance claims office that would analyze cars for repairs and had normal hours of operation.

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, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to recommend **APPROVAL** of the corridor development plan for Z-5620-SP-13 per staff recommendation as amended by staff. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for Z-5620-SP-13:

Lot 1, Block 1, State Farm Service Center Revised, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

15. **CZ-432 – James Hayward**, Location: Northwest corner of West 61st Street and South Dip Creek Road, Requesting rezoning from **IM to AG**, (County)

STAFF RECOMMENDATION:

Detailed Staff Recommendation

- The site is located in a lot designated by the City of Sand Springs Comprehensive plan 1999-2004 as High Intensity; however no development has occurred on this site. In addition, the site is surrounded on all sides by sites designated as Low Intensity – Residential. Staff has contacted the City of Sand Springs Planning

Department who was of the thought that the proposed site is under the jurisdiction of the county and not subject to the jurisdiction of the City of Sand Springs.

- The IM zoning which currently exists appears to be specific to this undeveloped site with all adjacent sites being zoned AG.
- AG zoning is harmonious with the existing and expected development on the site and the existing surrounding properties.

Therefore **staff recommends APPROVAL** of CZ-432 for the rezoning from IM to AG

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This site is outside the limits of the Comprehensive Plan in the City of Tulsa and was not included in the Tulsa Metropolitan Area Comprehensive Plan. The site is within the limits of the City of Sand Springs Comprehensive Plan with a Land Use designation of High Intensity. The site is surrounded by Low Intensity-Residential use, with the High Intensity designation being specific to this property.

Site Analysis: The subject property is approximately 3.24± acres in size and is located Northwest corner of W. 61st St. and S. Dip Creek Rd. The property appears to be vacant and is zoned IM.

Surrounding Properties: The subject tract is abutted on the east by a single family residence, zoned AG; on the north by a single family residence and farmland, zoned AG; on the south by vacant land, zoned AG; and on the west by vacant land, zoned AG.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Dip Creek Road	Secondary Arterial	100 feet	2

UTILITIES:

The subject tract currently has municipal water from the City of Sand Springs available. Sanitary Sewer is not currently available.

SECTION III: Relevant Zoning History:

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

There is no relevant history.

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, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to recommend **APPROVAL** of the AG zoning for CZ-432 per staff recommendation.

Legal Description for CZ-432:

PRT SW SW BEG SWC SW TH N220 E832.54 SW134.14 SW115 SW82.57 W665.5 POB LESS ELY 20 & L520 THEREOF FOR RDS T-19-N, R-10-E Section 33, Tulsa County, Oklahoma.

* * * * *

16. **PUD-812 – Tanner Consulting, LLC/Firststrike Properties, LLC**,
Location: North of northwest corner of East 131st Street and South Sheridan Road, Requesting a **PUD** for residential single-family residences in a private street/gated community, **RS-3 to RS-3/PUD-812**, (CD-8)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The proposed Planned Unit Development (No. 812) to be known as "The Cottages at the Preserve" is comprised of 10.861 acres located north of the Northwest corner at 131st and South Sheridan Road - hereinafter referred to as the "Site". This document proposes a new residential development within close proximity to many of South Tulsa's newly planned developments, including the proposed Bixby public school and possible realignment of 121st Street. This project proposes a maximum of 53 detached single-family lots, which will integrate into an overall master plan, known as 'The Preserve'. Anticipated lot sizes are 55-feet in width, with a lot area over 5,800 square feet. A portion of the required livability space for a lot may be contained within the common areas of the development.

The Cottages at the Preserve is in accordance with the assigned Tulsa Comprehensive Plan land use designation "New Neighborhood" and the current zoning class is RS-3 (Residential Single-Family). This subject property, as well as some of the adjacent tracts, is currently undergoing plat approval. Subdivision design will meet high standards of internal and external connectivity, as outlined by the City of Tulsa Comprehensive Plan text. To accommodate connectivity, several locations for passive recreation and trails have been planned in the area.

Two primary access points will be provided off of a proposed public street that is part of the pending “The Preserve” subdivision plat. “The Preserve” will have access to both South Sheridan Road and the newly proposed collector street. Streets within this PUD will be gated and therefore private.

The Cottages at the Preserve will prove to be an exciting new addition to the already highly-anticipated developments planned for the 121st and Sheridan area.

PUD 812 DEVELOPMENT STANDARDS:

Gross Land Area:	473,095 SF	10.861 acres
Net Land Area:	422,777 SF	9.706 acres

Permitted Uses:

Uses permitted as a matter of right in RS-3, zoning district in the City of Tulsa Zoning Code, including landscaped features and secured entrances and recreational facilities and uses customarily accessory to permitted uses.

Maximum Number of Lots: 53 lots

Minimum Lot Width: 55 FT

Minimum Lot Size: 5,800 SF

Minimum Livability Space required (per lot): 4000 SF

Minimum Building Setbacks

Front yard:	20 FT
Rear yard not abutting a public street:	15 FT
Rear yard abutting a public street:	20 FT
Side yard not abutting a private street:	5 FT
Side yard abutting a private street:	15 FT**

Maximum Building Height: 40 FT***

Maximum Front Yard Coverage by Parking: 40 %

Off Street Parking: Minimum two (2) enclosed off-street parking spaces per dwelling unit.

Signage: One (1) along the South Sheridan Road frontage, not to exceed 32 square feet each in size.

- * *Livability Space may be located on a lot or contained within common open space of the development. The face of the final plat will illustrate the livability space requirement for each lot and may be less than 4000 square feet.*
- ** *No garage access allowed on side yards abutting a private street.*
- *** *Architectural features may extend a maximum of five (5) feet above the maximum permitted building height.*

LANDSCAPING AND SCREENING:

In the case of double-frontage lots between the development and adjacent public streets, space for landscaping and screening will be provided via fence easements.

Fencing or walls on the north and east perimeter of the PUD will be minimum 6' height and masonry construction.

VEHICULAR ACCESS AND CIRCULATION:

The Cottages at The Preserve will have two primary access points off of the main public street which runs through "The Preserve" subdivision. Traffic will primarily come from South Sheridan Road to reach the site. Street within the property are gated, and therefore private. To create the density and street proportions, a 30-foot right-of-way with 26-feet of paving will be used.

PEDESTRIAN ACCESS:

The Cottages at The Preserve will provide sidewalks inside the subdivision and will ultimately connect to the sidewalk system on both sides of the proposed public street on the north edge of this PUD. Sidewalks will also be required on the east side of the project along South Sheridan in the street right of way. Sidewalks in the public street right of way will be constructed as part of the Infrastructure Development Plans prepared during Subdivision design and construction phase.

PLATTING REQUIREMENT

In accordance with Section 213 of the City of Tulsa Zoning Code, no building permit or occupancy permit shall be issued until a subdivision plat or plat waiver has been approved by the TMAPC. The community amenities such as the pool, clubhouse, or other items do not require detailed site plan approval through the Planning Commission.

EXPECTED SCHEDULE OF DEVELOPMENT

Development of the project is expected to commence and be completed as market conditions permit.

NEIGHBORHOOD IDENTIFICATION SIGN AND LIGHTING

As allowed in the Tulsa Zoning Code

DETAILED STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of PUD-812 as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: PUD 812 is a new neighborhood and part of a much larger neighborhood that is being developed west and north side of the PUD. The PUD is a gated community and private streets. The private street network is not consistent with the connectivity vision of the Comprehensive Plan however provisions for future access south of the site have been included in the concept plan.

Land Use Vision:

Land Use Plan map designation:

The New Neighborhood is intended for new communities developed on vacant land. These 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, and shall be paired with an existing or new Neighborhood or Town Center.

Areas of Stability and Growth map designation:

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 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.

Transportation Vision:

The Comprehensive Plan designates South Sheridan as a secondary arterial street with no multi modal component.

This site is near the Arkansas River and the river trails system. Appropriate connections to the trail system should be part of the future development of this area.

The Major Street and Highway Plan also illustrates a residential collector street near the north property line of this tract. The residential collector will be required with future development on this site or in conjunction with the proposed Bixby school site immediately north of this development.

Major Street and Highway Plan:

This PUD does conflict with the Major Street and Highway Plan. The Plat process will require right of way dedication for ultimate plans for Sheridan Construction at this location.

Trail System Master Plan Considerations:

Plans for construction of interior sidewalks and sidewalks on the new street north of the PUD and along Sheridan will satisfy future connectivity concerns to the Trail system illustrated in Exhibit G.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is near or adjacent to FEMA flood plain, there may wetland considerations and storm water drainage will be an important consideration during the planning and design process however there is nothing in this PUD that cannot be implemented with sound engineering principals.

Site Analysis: The subject property is approximately 10-± acres in size and is located north of northwest corner of E. 131st St. and S. Sheridan Rd. The property appears to be vacant and is zoned RS-3.

Surrounding Properties: This site is in the middle of an area that is currently being developed in all directions and careful coordination of infrastructure will be required during the plat process. The subject tract is abutted on the east by the City of Bixby. An existing single family residential project is continuing to develop and is, zoned RS-4. North of this site is vacant land zoned AG, however a Bixby School is anticipated on that property. The school will require Board of Adjustment approval. South of this site is vacant land zoned AG with an abandoned sand plant.

West of this site is a tract that has recently been zoned RS-3 with a PUD overlay anticipating gated communities with private streets; however, a north south residential collector will be part of future development. An east west residential collector on or near this site will ultimately connect to future development west of this site.

The south property is an abandoned sand extraction facility that was never restored. Engineering considerations and safety precautions beyond the minimal standards may be an important part of future development of this tract.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Sheridan Road	Secondary Arterial	100 feet	2

UTILITIES:

The subject tract has municipal water and sewer available.

SECTION III: Relevant Zoning History:

ZONING ORDINANCE: Ordinance number 23086 dated April 23, 2014, established zoning for the subject property.

Z-7257 April 2014: All concurred in approval of a request for rezoning a 80± acre tract of land from AG to RS-3 for residential single-family development, on property located north of the northwest corner of E. 131st St. and S. Sheridan Rd. and is also known as a part of the subject property.

BOA-20050 May 24, 2005: The Board **approved** a *Special Exception* to permit Use Unit 24, mining in an AG district, with conditions: operations Mon. – Fri. sunrise to sunset and ½ day on Saturdays; no landfill in the excavation area; compliance with all requirements by Department of Mines and all other governmental regulations, including obtaining all licenses and permits; no explosives to be used; and per plan; located 660 ft. west of the northwest corner of E. 131st St. and S. Sheridan Rd. and is abutting south of subject property.

BOA-19651 August 12, 2003: The Board **approved** a *Special Exception* for soil mining or extraction, with conditions: operations Mon. – Fri. sunrise to sunset and ½ day on Saturdays; no landfill in the excavation area; compliance with all requirements by Department of Mines and all other governmental regulations, including obtaining all licenses and permits; no explosives to be used; and per plan; located northwest of E. 131st St. and S. Sheridan Rd. and is abutting south of subject property

BOA-18814 July 25, 2000: The Board **approved** a *Special Exception* to allow Use Unit 24 (sand and gravel removal) in an AG zoned district for two years at 5629 E. 131st St.

TMAPC COMMENTS:

In response to Mr. Reeds, Mr. Wilkerson stated that there are other gated communities in the subject area. Mr. Reeds stated that he wanted to go on the record that he hates gated communities. Mr. Reeds explained that they are like shunning those who are around them, they are not a part of the neighborhood and it doesn't promote goodwill within the City.

Applicant's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, 74105, stated that he shares the Planning Commissions' concerns and as planners we don't often like gated communities. The overall plat is a ten-acre piece within the overall subdivision that is about 40 to 60 acres in size. There is connectivity through the other subdivisions, but there is a market of buyers that do like gated communities. Mr. Jones indicated that he is in agreement with the staff recommendations.

Mr. Jones stated that the Planning Commissioners do not see the numerous phone calls and the back-and-forth done with the staff. Staff does a really good job working out details about livability space and how to show it on the plan, etc. Mr. Jones commented that staff makes it easy for the Planning Commission and they make it easy for the applicants too. Mr. Jones thanked the staff for the work that they do and working with the applicants to have everything ready for the meetings.

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 **MIDGET**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to recommend **APPROVAL** of PUD-812 per staff recommendation as amended by staff. (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description for 812:

A TRACT OF LAND THAT IS PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER (N/2 SE/4) OF SECTION THREE (3), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID N/2

SE/4; THENCE SOUTH 88°41'48" WEST AND ALONG THE SOUTH LINE OF THE N/2 SE/4, FOR A DISTANCE OF 840.00 FEET TO A POINT; THENCE NORTH 1°18'12" WEST FOR A DISTANCE OF 689.93 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG A 400.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 84°47'55" EAST, A CENTRAL ANGLE OF 18°46'43", A CHORD BEARING AND DISTANCE OF SOUTH 75°24'33" EAST FOR 130.51 FEET, FOR AN ARC DISTANCE OF 131.10 FEET TO A POINT OF TANGENCY; THENCE SOUTH 66°01'12" EAST FOR A DISTANCE OF 174.17 FEET TO A POINT OF CURVATURE; THENCE ALONG A 745.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 25°00'00", A CHORD BEARING AND DISTANCE OF SOUTH 78°31'12" EAST FOR 322.50 FEET, FOR AN ARC DISTANCE OF 325.07 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°58'48" EAST AND PERPENDICULAR TO THE EAST LINE OF THE N/2 SE/4, FOR A DISTANCE OF 245.00 FEET TO A POINT ON SAID EAST LINE; THENCE SOUTH 1°01'12" EAST AND ALONG THE EAST LINE, FOR A DISTANCE OF 507.23 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 473,095 SQUARE FEET, OR 10.861 ACRES.

* * * * *

17. **LS-20144 (County)**, Location: ¼ mile south of 171st Street South and South Sheridan Road, Requesting an extension of the approved lot-split in order to receive an approved stamp and record of deeds.

STAFF RECOMMENDATION:

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

This Lot-Split was approved by TMAPC on October 7, 2007. One of the three deeds was stamped and filed timely. The other two documents received an approval stamp but were never filed of record. The applicant is requesting an extension of the approved Lot-Split in order to receive an approved stamp and record the deeds.

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

Applicant's Comments:

J.R. Donelson, 12820 So. Memorial Dr., Office 100, Bixby, 74008, stated that the Title Company realized that only one of the three deeds was filed

and the extension is needed to file the additional deeds. Mr. Donelson stated that they will be stamped and filed within five working days.

Ms. VanValkenburgh suggested a one-month extension.

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 **MIDGET**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to **APPROVE** the lot-split extension for LS-20144 for one month per staff recommendation.

OTHER BUSINESS

18. Update on Sector Plan Process (Tulsa Development Authority)

Mr. Dix moved this item to the beginning of the meeting.

19. Commissioners' Comments: None.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Carnes, Dix, Fretz, Midget, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Covey, Liotta, Walker "absent") to **ADJOURN** TMAPC meeting No. 2674.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.

Date Approved:

06-04-2014


Chairman

ATTEST:


Secretary