

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2688

Wednesday, December 17, 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		Fernandez	Duke, COT
Covey		Hoyt	VanValkenburgh, Legal
Dix		Huntsinger	
Fretz		Miller	
Liotta		White	
Midget		Wilkerson	
Millikin			
Reeds			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, December 12, 2014 at 9:07 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Director's Report:

Ms. Miller reported on the City Council agenda and Board of County Commissioners agenda.

1. **Minutes:**

Approval of the minutes of December 3, 2014 Meeting No. 2687

On **MOTION** of **SHIVEL**, the TMAPC voted 11-0-0 (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** the minutes of the meeting of December 3, 2014, Meeting No. 2687.

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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. **LS-20744 (Lot-Split)** (CD-1) – Location: Southwest corner of East Reading Street and North Midland Avenue
3. **LC-628 (Lot-Combination)** (CD-4) – Location: Southeast corner of East Archer Street and North Detroit Avenue
4. **LS-20745 (Lot-Split)** (CD-9) – Location: South of the southwest corner of East 44th Street South and South Gary Avenue (Related to: LC-629)
5. **LC-629 (Lot-Combination)** (CD-9) – Location: West of the southwest corner of East 44th Street South and South Gary Avenue (Related to: LS-20745)
6. **LS-20746 (Lot-Split)** (CD-4) – Location: North of the Northeast corner of East Cameron Street and North Main Street (Related to: LC-631)
7. **LC-631 (Lot-Combination)** (CD-4) – Location: North of the Northeast corner of East Cameron Street and North Main Street (Related to: LS-20746)
8. **LC-632 (Lot-Combination)** (CD-3) – Location: North and West of the northwest corner of East Admiral Place and North 129th East Avenue
9. **Lot 2, Block 1, Metris Call Center - Change of Access**, Location: Southwest corner of East 48th Street South and South 129th East Avenue (CD-7)
10. **Maple Terrace – Final Plat**, Location: North of East 15th Street South, and west of South Norfolk Avenue, **PUD-757-1**, (CD 4)

11. **Z-7164-SP-1 – Cedar Creek Consulting/Jason Emmett**, Location: South of the southeast corner of West 81st Street South and Highway 75 (Lot 6, Block 1, The Walk at Tulsa Hills), requesting a **Corridor Detail Site Plan** for a new retail building in a corridor district, **CO/Z-7164-SP-1**, (CD-2)
12. **PUD-759-A-1 – Crestwood at the River, LLC**, Location: Northwest corner of East 121st Street South and South Sheridan Road, requesting a **PUD Minor Amendment** to modify the landscape requirements, **CS/RS-3/PUD-759-A**, (CD-8) (Related to PUD-759-A)
13. **PUD-759-A – Tanner Consulting, LLC/Justin Morgan**, Location: Northwest corner of East 121st Street South and South Sheridan Road, requesting a **PUD Detail Site Plan** for a new retail center within the PUD, **CS/RS-3/PUD-759-A**, (CD-8) (Related to PUD-759-A-1)
14. **PUD-811 – Joel Slaughter**, Location: Northwest corner of South Trenton Avenue and East 15th Street South, requesting a **PUD Detail Site Plan** for a new mixed-use development within the PUD, **CS/CH/RM-2/PUD-811**, (CD-4)
15. **PUD-595-B – Cedar Creek Consulting/Jason Emmett**, Location: Southeast corner of South 101st East Avenue and East 68th Street, requesting a PUD Detail Site Plan for a new retail building within the PUD, **CO/PUD-595-B**, (CD-7)
16. **PUD-798-1 – Blake Henry**, Location: South of the southeast corner of South Harvard Avenue at East 41st Street South, requesting a **PUD Minor Amendment** to modify the screening wall requirements, **OL/PUD-798**, (CD-9). This item removed from the consent agenda.
17. **Z-6010-SP-4 – Sack & Associates, Inc.**, Location: ***Southwest** corner of State Farm Boulevard and South 129th East Avenue, requesting a **Corridor Detail Site Plan** for a new office building in a corridor district, **CO/Z-6010-SP-4**, (CD-7)
18. **PUD-410-B – Sisemore Weisz & Associates/Mark Capron**, Location: Southeast corner of South Yale Avenue and East 36th Street South, requesting a **PUD Detail Site Plan** for a new developmental center addition within the PUD, **RS-2/RM-1/RD/PUD-410-B**, (CD-5) (Related to PUD-410-B-1) (Continued from 12/3/14)

Mr. Covey indicated that Item 16 will be removed from the consent agenda in order to allow interested parties to speak on this item.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** Items 2 through 15 and Items 17 and 18 per staff recommendation.

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

PUBLIC HEARINGS:

Mr. Covey stated that he would like to take the continuances together for Items 19, 20, 21, 22, 23, 24 and 26, which are all for 1/7/15; except for Item 25, which is for 1/21/15. There are speakers signed up for Items 22 and 24.

INTERESTED PARTIES COMMENTS:

Amy Armour, 4625 South 173rd East Avenue, 74134, stated that she doesn't understand how the notice is done for continuances since the sign on the subject property is down. Ms. Miller explained that the process is that when it initially gets scheduled for TMAPC the sign is posted with that date and then removed thereafter. The notification for that point on is if the Planning Commission makes a continuation and the public meeting and that is the notice. Ms. Miller stated that interested parties can contact the office or look at the TMAPC website agendas. Mr. Covey informed Ms. Armour that she can object to the continuance and ask that it be heard today. Ms. Armour stated that she does object to the continuance. Mr. Wilkerson stated that the reason for Items 22 and 23 being continued is that there was a neighborhood meeting with the applicant and a lot of concerns came from that meeting and the applicant hasn't had time to make those changes and resubmit them to staff.

Mr. Liotta stated that the continuance request is to a date specific, which January 7, 2015 and that is the public notice for the next meeting.

Ron Shanks, 15303 East 161st Street South, Bixby, 74008, stated that he doesn't have a problem with Item 24 being continued, but he is trying to figure out why it is needs to be continued. The applicant wasn't available at the last meeting and now the interested parties are here again and he has failed to show. Mr. Shanks stated that this is the second time he has shown up and the applicant hasn't made it to either meeting.

19. **PUD-410-B-1 – Sisemore Weisz & Assoc./Mark Capron**, Location: Southeast corner of South Yale Avenue and East 36th Street South, requesting a **PUD Minor Amendment**, (CD-5) (Related to PUD-410-B) (Continued from 12/3/14) (**Applicant is requesting a continuance to January 7, 2015**)
20. **Z-7164-SP-1 – Cedar Creek Consulting/Jason Emmett**, Location: South of the southeast corner of West 81st Street South and Highway 75, Lot 8, Block 1, The Walk at Tulsa Hills, requesting a Corridor Detail Site Plan, (CD-2) (**Applicant is requesting a continuance to January 7, 2015.**)
21. **PUD-659-5 – Jeffrey D. Lower**, Location: West of the southwest corner of East 31st Street and South Utica Avenue, requesting a PUD Minor Amendment, (CD-9) (Continued from 11/19/14 & 12/3/14) (**Continuance request to January 7, 2015**)
22. **Z-7288 – John Moody**, Location: North of the northeast corner of East 51st Street and South 177th East Avenue, requesting rezoning from **AG to RM-1**, (CD-6) (Related to PUD-825) (Continued from 12/3/14) (**Continuance request to January 7, 2015**)
23. **PUD-825 - John Moody**, Location: North of the northeast corner of East 51st Street and South 177th East Avenue, requesting a **PUD, AG to RM-1/PUD**, (Related to Z-7288) (CD-6) (Continued from 12/3/14) (**Continuance request to January 7, 2015**)
26. **Brookstone Park at Lynn Lane – Preliminary Plat**, Location: North of the northeast corner of East 51st Street South and South 177th East Avenue, **AG**, (CD-6)

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Items 19-23 and 26 to January 7, 2015.

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25. **Open Arms Child Development Center – Minor Subdivision Plat**, Location: North of the northeast corner of East 51st Street South and South 177th East Avenue, **AG**, (CD-6)

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Item 25 to January 21, 2015.

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16. **PUD-798-1 – Blake Henry**, Location: South of the southeast corner of South Harvard Avenue at East 41st Street South, requesting a **PUD Minor Amendment** to modify the screening wall requirements, **OL/PUD-798**, (CD-9).

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD Development Standards to modify the screening wall requirements.

The Development Standards currently state: "A six foot tall masonry screening fence will be constructed along the eastern boundary of Development Area B that abuts residentially zone property. The masonry fence will be installed as part of the first phase of the project."

The applicant is requesting the Development Standards to be modified to state: "A six foot tall composite screening fence (Trex or comparable brand) will be constructed between Development Area B and the residentially zoned property to the east. The composite fence will be installed as part of the first phase of the project."

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.13 PUD Section of the City of Tulsa Zoning Code.

"Modification to approved screening and landscaping plans provided the modification is not a substantial deviation from the original approved plan."

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.

- 2) All remaining development standards defined in PUD-798 shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to modify the screening wall requirements.

INTERESTED PARTIES COMMENTS:

Charles Pratt, 4338 South Jamestown, 74135, expressed concerns with the fence height and the location of the fence. Mr. Pratt requested that the fence be eight feet in height. Mr. Pratt indicated that he is not against the change in the materials of the fence.

Applicant's Comments:

Kathy Henry, 4401 South Harvard, 74135, stated that the fence will be on the property line where possible. Ms. Henry indicated that she has had many conversations with Mr. Pratt regarding the fence and she finds that he keeps changing his mind regarding the height and location of the fence. Ms. Henry explained that this has been going on for over a year and Mr. Pratt continues to change his mind. Ms. Henry submitted photographs of Mr. Pratt's current fence that is in disrepair, which is included in the TMAPC agenda packet. Ms. Henry stated that the proposed fence will be six feet and that is what was originally agreed to during the PUD and anything higher wouldn't gain anything.

In response to Mr. Midget, Ms. Henry stated that she has gone in circles with Mr. Pratt for a long time and he changes his mind constantly regarding the height. The six-foot height was agreed upon during the PUD and everyone was okay with that height. There isn't any reason for eight feet and the six-foot will be better than the existing fence.

In response to Ms. Millikin, Ms. Henry stated that an eight-foot fence would be a totally different installation. It would require deeper peering and more fence structure and more replacement costs in a few years. Ms. Henry commented that she wants to make the neighbors happy, but at what cost and at what point is it enough. The building and fencing that is going in is much nicer than anything else in the subject area at her cost. Ms. Henry stated that there doesn't seem to be a point in the eight-foot height.

In response to Mr. Shivel, Ms. Henry confirmed that the houses north and south of the subject property currently have six-foot fences. Mr. Shivel asked Ms. Henry what the height of the existing chain-linked fence is. Ms. Henry stated that the existing chain-linked fence is under six-feet, she stated that it is shorter than her and she is 5.5 feet tall.

Mr. Covey recognized Mr. Pratt.

Mr. Pratt stated that the previous owner of his lot installed the existing fence and there was no reason to screen it at the time he purchased the property. Mr. Pratt submitted photographs of his existing fence (Exhibit A-1). Mr. Pratt stated that the construction of Ms. Henry's building is what damaged his fence. Mr. Pratt reiterated that he doesn't want the fence five feet away from the property line.

Mr. Dix stated that he doesn't see any need for anything over six-feet. An eight-foot screening fence requires a different set of footings for the fence post. Mr. Dix indicated that he would be supporting staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **WALKER**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-798-1 per staff recommendation.

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24. **LS-20733 (Lot-Split)** (County) - Location: West of the Southwest corner of East 161st Street South and South 161st East Avenue (Continued from 12/3/2014)

STAFF RECOMMENDATION:

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

Technical Advisory Committee met on November 6, 2014. The County Engineer stated the smaller three tracts were only two acres and should be 2.1 acres per the Zoning Code. The applicant made appropriate changes to increase the tract sizes.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

Ms. White reminded the Planning Commission that this application was before them on December 3rd, and there were several issues regarding water access and the applicant wasn't present. Ms. White stated that she contacted the applicant and requested a letter from the Water Department

and requested the applicant to meet with the neighbors. Ms. White further stated that she believes the applicant emailed the speakers from the December 3rd meeting. Ms. White explained that the applicant indicated that he is out of town working today and is requesting a continuance to January 7, 2014.

Mr. Covey stated that the continuance needs to be dealt with first.

Commissioner Liotta stated that he actually made the motion to continue this application from the last meeting. Mr. Liotta further stated that his hope was that the applicant would meet with the neighborhood and discuss his plans. Mr. Liotta commented that he is hearing that this didn't happen.

Mr. Covey indicated that Mr. Shanks already expressed his objection to a continuance and Ms. Morgan has indicated that is her position as well. Mr. Covey stated that there were two neighbors at the last meeting and they are present again today.

Patricia Morgan, 15488 East 161st Street South, Bixby, 74008, stated that her property is adjacent to the subject property to the south and her driveway runs along the side of the subject property. Ms. Morgan indicated that she didn't attend the meeting on the December 3rd, but she did attempt to contact Mr. Kelly and she has never received a response. Ms. Morgan stated that some of the neighbors did receive an email two days ago from Mr. Kelly.

Mr. Shivel stated that he is conflicted with this application because there are still some questions about this application and there seems to be a lack of communication between the applicant and the neighbors.

In response to Mr. Carnes, Ms. White stated that the only reason this application is on the public hearing is because of the three-side lot lines, which is the panhandle.

Mr. Covey stated that the TMAPC normally gives each side one continuance and it is a little unclear as to whether staff requested the continuance last time or was it requested by the TMAPC.

Ms. Miller stated that based on her memory it was a joint conclusion between staff and the TMAPC to continue this application.

After a lengthy discussion regarding who requested the first continuance, Mr. Dix moved to deny this application.

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **5-6-0** (Covey, Dix, Midget, Reeds, Walker "aye"; Carnes, Fretz, Liotta, Millikin, Shivel, Stirling, "nays"; none "abstaining"; "absent") to **DENY** the LS-20733.

MOTION FAILED.

TMAPC Action; 11 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** LS-20733 to January 7, 2015.

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Mr. Fretz out at 2:12 p.m.

- 27. **Huntington Park – Preliminary Plat**, Location: South of the southeast corner of South 177th East Avenue and East 41st Street South, **RS-4/PUD-816**, (CD-6)

STAFF RECOMMENDATION:

This plat consists of 309 lots, 15 blocks, on 82.7 acres.

The following issues were discussed December 4, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 816 (RS-4 underlying).
2. **Streets:** Covenant includes section on mutual access easement but there is no mutual access easements located on the face of the plat. To be assessed during development approval. Left turn lane at drive will be required unless a warrant study proves operations on 177th will not degrade from traffic accessing the development during peak times. Sidewalks along arterial frontages and reserve areas to be built as part of Infrastructure Development Plan if applicable. 44th Place entrance shall align with existing street across 277th unless impractical, and be designed to accommodate ultimate widening of 177th. Remove reserve area for island, this will need to be right of way with any island and improvements installed under a license agreement.
3. **Sewer:** Side lot easements with sanitary sewer lines must be a minimum of 15 feet in width with the sewer pipe centered within the easement. There are several locations on the plat where this must be corrected. The following fees will be assessed for the entire acreage: \$700/acre Broken Arrow

Excess capacity fees; administration fees for the City of Tulsa; Trinity Creek Payback contract fees; Stone Creek Farms Lift Station Use Fees of \$3936/acre; and City of Tulsa lift station relief fees of \$150/acre. To be assessed during development approval...

4. **Water:** Along the public roadways in the development site a 17.5-foot utility easement is needed for installing a water main line 8 feet off of the property line.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO has overhead lines east and west. Additional easements may be needed. The entryways may need to be changed as they do not include reserves.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Not all subdivisions are identified in the location map. Label point of beginning monument information. Submit data control sheet. On location map show pending subdivisions.

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; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Fretz "absent") to **APPROVE** the preliminary plat for Huntington Park per staff recommendation.

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Mr. Fretz in at 2:12 p.m.

28. **5200 Mingo Commercial – Preliminary Plat**, Location: South of southwest corner of East 51st Street South and South Mingo Road, **CS**, (CD-7)

STAFF RECOMMENDATION:

This plat consists of three lots, one block, on 4.3 acres.

The following issues were discussed December 4, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS.
2. **Streets:** Drive entrance will need to be reworked to 40 feet maximum width or 50-foot width with middle island, which should be placed to accommodate ultimate widening of 177th. Delete section on mutual access easement in the covenants if there are none platted. Revise sidewalk section in covenants to reflect actual conditions. Are there any “abutting lots having access to minor streets...” etc? Sidewalks to be built as part of Infrastructure Development Plan if applicable. Left turn lane at drive will be required unless a warrant study proves operations on 277th will not degrade from traffic accessing the development during peak times. Any orphan street stubs will need to be vacated prior to final plat approval unless not practical or feasible. Discuss with Doug Duke of Development Services and receive his approval.
3. **Sewer:** Sanitary sewer will not flow into the Stone Creek Farms Lift Station. Therefore the project will be assessed the \$700/acre Broken Arrow fees, City of Tulsa Administration fees, and the Trinity Creek Payback fees. To be assessed during development approval.
4. **Water:** Additional easement for water service meters could be a requirement for each proposed lot. Because of other existing utilities in Mingo Road, additional easements could be required for the installation of water service meters.
5. **Storm Drainage:** The covenants need to address detention.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.
7. **Other: Fire:** No comments.

- 8. Other: GIS:** Scale needs to be shown both written and graphically. Show expiration date for the Engineers Certificate of Authorization. Location Map scale off slightly. Plat scale is off slightly. Identify Basis of Bearing. Include Coordinate system used. Correct typos. Properly rework legal description title. Describe plat boundary by metes and bounds. Label the point of beginning. Identify all subdivisions in location map. Show FEMA and City of Tulsa Regulatory Floodplain. Remove contours from face of plat. Identify all monuments. Submit data control sheet. Show square footage of each lot created.

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; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for 5200 Mingo Commercial per staff recommendation.

* * * * *

29. **Rabbit Run – Preliminary Plat**, Location: West of southwest corner of East 101st Street South and South 129th East Avenue, (County)

STAFF RECOMMENDATION:

This plat consists of 115 lots, 11 blocks, on 27.44 acres.

The following issues were discussed December 4, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS, RM-O with Planned Unit Development 822 pending. Per the pending PUD, there needs to be a cul-de-sac proper turn around for the stub streets that are not to be continued from the south and west of the site. At this time the City of Broken Arrow is not annexing the site (See attached information from Broken Arrow staff).
2. **Streets:** Approve through County Engineer.
3. **Sewer:** Broken Arrow Service.
4. **Water:** Broken Arrow Service.
5. **Storm Drainage:** Stormwater retention is necessary. Separate volume for this site. No stormwater is to be put into the creek. (Per County Engineer.)
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements will be needed.
7. **Other: Fire:** Broken Arrow Fire Department service. Release letter must be received.
8. **Other: GIS:** Clarify and correct location map. Correct block and lot totals. Show lot addresses. Submit data control sheet. Defer to Broken Arrow for comments. **County Engineer:** Make changes to covenants per County standards.

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 County Engineer must be taken care of to his satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.

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

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Rabbit Run per staff recommendation.

* * * * *

30. **Z-7278 – Plat Waiver**, Location: 223 West 28th Street North, north of West 28th Street between North Denver Avenue and North Cheyenne Avenue, (CD-1)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from RS-3 to PK for a parking lot for the former Frost Elementary School.

Staff provides the following information from TAC for their December 4, 2014 meeting:

ZONING: TMAPC Staff: The property has not been previously platted.

STREETS: Sidewalks required per subdivision regulations. Right of way does not appear to be dedicated on north half of 28th Street.

SEWER: The property does not appear to abut a sanitary sewer main for service. Any development that requires a water service will likely require a sewer main extension.

WATER: With no improvements or new structures on the site (parking lot) the requirement to extend a water main line along the roadway frontage of North Denver Avenue and Cheyenne Avenue will not be a requirement at this time.

STORMWATER: A drainage easement appears to be needed along the east property line.

FIRE: No comment.

UTILITIES: No comment.

Staff recommends **Denial** of the plat waiver for the property. The City staff has particular concerns about drainage, and right of way dedication.

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		X
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		
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.?		
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?		X

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

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that all of the property to the west abuts the Tisdale Parkway and the grade school that is under a long-term lease by Community Action Project of Tulsa (CAP). His client purchased the subject land and rezoned it PK for additional parking for the school. CAP requires that the parents walk their children into their classroom. There wasn't adequate parking at the existing school and that was the need for the subject property. It will only be used for a parking lot and there will be no improvements made. Any requirements needed by the City can be made by separate instrument. Mr. Reynolds indicated that his client will build the sidewalks and anything else that is required to be built for the parking lot, which can be accomplished by separate instrument.

TMAPC COMMENTS:

Mr. Midget stated that he appreciates Mr. Reynolds repeating the concerns that the City may have can be addressed by separate instrument. Mr. Midget further stated that by stating this he believes that the City has Mr. Reynolds assurance that it will be done. Mr. Reynolds agreed and stated that his client is not trying to get around anything that is needed to be done, but trying to save money.

Mr. Midget moved to approve the plat waiver with the understanding that the City's concerns will be addressed by separate instrument.

Doug Duke, Construction Development Manager, stated that he really didn't have a lot of information with this application. Generally plat waivers were supported by the City because the property is already platted and it is a result of a rezoning or formality. In this case it hasn't been previously platted and he didn't have any evidence that the road right-of-way is there and there is a prospect of drainage easement, sanitary sewer easement, etc. This is basically why one plats property and he understands that it will take money to do that, but there are 30 some other items being considered today where those applicants will go through expense and time to plat or do what he thinks is the right thing. Mr. Duke commented that he doesn't see the hardship of not platting the subject property. Mr. Duke stated that it is a parking lot, but it is a parking lot in support of a school that in itself should be platted and if it were built today it would be required to be platted. Mr. Duke further stated that he is willing to see if this can be worked out without going through platting, but he doesn't see the hardship other than it is going to take time and money. Mr. Duke expressed concerns that time and money could be a complaint of everyone that comes through the TMAPC with platting or what other action they may have. Mr. Duke commented that he understand that this is to support a school and the CAP is a community function that is good

for the community, but he is looking for a stronger hardship as to why they shouldn't have to plat.

Mr. Midget stated that he appreciates Mr. Duke's concerns, but his motion will still stand simply because it is going to be a parking lot in support of an existing use. The City hasn't worried about this long and he knows it has been there for over 40 years. Mr. Midget stated that he has been given assurance that the City's concerns will be addressed and in particular if it becomes something other than parking lot.

Mr. Duke stated that he hopes the City's concerns can be addressed and that remains to be seen.

Mr. Dix restated the motion to his understanding that it is to approve the plat waiver subject to the City's concerns being addressed by separate instruments. Mr. Midget confirmed that is his motion. Mr. Dix seconded the motion.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for Z-7278 subject to the City's concerns being addressed through separate instruments by the applicant.

* * * * *

Mr. Wilkerson stated that he will present Items 31 and 32 together.

- 31. **CZ-436 – Carson Law Firm PLLC/Barbara Carson**, Location: North of northwest corner of North Yale Avenue and East 126th Street North, requesting a rezoning from **AG to CG**, (County) (Continued from 10/15/14 and 11/19/14) (Related to PUD-821)

STAFF RECOMMENDATION:

CG zoning by itself is not consistent with the Comprehensive Plan at this location however a Planned Unit Development overlay for a mini storage facility is consistent with the low intensity vision of the Comprehensive Plan at this location and;

CZ-436 requesting CG zoning with a PUD submitted simultaneously with this application is harmonious with the existing surrounding development and;

CZ-436 requesting CG zoning with the PUD submitted simultaneously with this application is harmonious with the anticipated future development adjacent to this site therefore;

Staff recommends **APPROVAL** of CZ-436 to rezone property from AG to CG in conjunction with PUD-821. If the PUD is ever abandoned CG zoning should be changed to an appropriate zoning at that time.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CG zoning is not an appropriate zoning category at this location without a PUD overlay. Mini storage uses may be allowed in several residential and commercial zoning categories but all require a PUD or Special Exception through the Board of Adjustment. This project is included in the North Tulsa County Comprehensive Plan 1980-2000. No other comprehensive plan or small area plan is relevant to this property. The land use map shows this area as a low intensity residential use including all types of residential properties such as single family, multi family, townhomes and mobile home park districts. The mini storage use might be appropriate with considerations given to future residential development surrounding the site and only with Commercial (CS, CG or CH) or Multi Family Residential (RM-1 or RM-2) underlying zoning districts. The PUD has provided assurances that this project can be successfully integrated into the surrounding neighborhood and provides appropriate protection to the existing residential properties west of the expressway especially as it relates to signage considerations.

Transportation Vision:

Major Street and Highway Plan:

North Yale Avenue (Whirlpool Drive) is classified as a secondary arterial street. Ultimately the Major Street and Highway Plan recognizes that this street will become a 4 lane arterial street with sidewalks and possible turn lanes at appropriate locations.

Highway 75 is a 4 lane divided highway. Access to that highway will not be a consideration for this project. Access is also not currently allowed by the Oklahoma Department of Transportation. There is no reason to believe that there will ever be an opportunity to connect to Highway 75 from this site.

The North Tulsa County comprehensive plan considered this area as part of a Corridor development area which encourages an internal street collection system. This project would block future considerations for that style of development. The Major Street and Highway Plan does not illustrate a collector street between Highway 75 and North Yale (Whirlpool Drive) at this location.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is a grass site with one existing mobile home. The terrain slopes gently from the high point on the east boundary toward Highway 75. There are no existing conditions that challenge redevelopment of the site.

Environmental Considerations: None that would present development limitations.

Streets:

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

Utilities:

The applicant has noted that the subject tract has municipal water is available from Washington Rural Water District #3. Sanitary sewer service is only available from an Aerobic System proposed for the office.

Surrounding Properties: The subject tract is abutted on the east by agricultural land, zoned AG; on the north by single family residential / business, zoned AG; on the south by single family residential and agricultural land, zoned AG; and on the west by Highway 75 but further west is a single family subdivision in the City of Skiatook, zoned RE.

SECTION III: Relevant Zoning History

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

Surrounding Property:

PUD-683-A August 2014: The applicant withdrew an application for a proposed Major Amendment to abandon PUD-683 on a 1± acre tract of land for on property located southwest corner East 136th Street North and North Yale Avenue and north of subject property.

CZ-322/ PUD-683 August 2003: Staff recommended denial of a request for rezoning a 1± acre tract of land from AG to IL and a proposed Planned Unit Development, for propane distribution facility on property located southwest corner E. 136th St. N. and N. Yale Ave. and north of subject property. TMAPC and County Commissioners concurred in approval of the applications.

CBOA-2050 July 15, 2003: The Board of Adjustment approved a Special Exception to allow commercial recreation: Intensive (rodeo facility) in an AG district; and a Variance of all-weather surface for parking, with a condition for a three year time limit and six events per year, on property located at 13232 N. Yale Ave. and north of subject property.

CBOA-1260 April 19, 1994: The Board of Adjustment approved a Special Exception to permit commercial recreation (basketball/softball/soccer fields and concessions) in an AG district, on property located at 13132 N. Yale Ave. and north of subject property.

Z-5185 November 1978: All concurred in approval of a request for rezoning a tract of land from AG to IL on property located on the northeast corner of E. 126th St. N. and Highway 75.

RELATED TO ITEM 31:

32. **PUD-821 - Carson Law Firm PLLC/Barbara Carson,** Location: North of northwest corner of North Yale Avenue and East 126th Street North, requesting a PUD for construction of mini-storage using storage containers, **AG to CG/PUD,** (County) (Continued from 10/15/14 and 11/19/14) (Related to CZ-436)

STAFF RECOMMENDATION:

The subject property comprises 9.67 acres gross (hereinafter the "Property" or the "Site") located at 13224 North Yale Ave in Tulsa County. The Property is located between North Yale Ave and U.S. Highway 75 North, and approximately a half mile north of East 126th Street North. Within the Site there is an existing mobile home dwelling which will be

removed. A rental office for mini-storage use will be constructed on the Site.

The development concept is to create a mini-storage facility using steel storage shipping containers.

The present zoning of the Property is an AG District and the property is un-platted. The proposed use is Use Unit 16, Mini-Storage Facility and the proposed zoning is "CG", General Commercial District. North Yale is listed as a Secondary Arterial on the Major Street and Highway Plan. The properties to the North, South and East are presently zoning "AG". There is presently "RE" zoning to the west of U.S. Highway 75 and "RE" zoning one quarter of a mile east of this Site. "IL" zoning exists at East 126th Street North and U.S. Highway 75.

PUD-821 DEVELOPMENT STANDARDS:

DEVELOPMENT AREA A:

Gross land area 8.013 acres 349,048 SF

Permitted uses: (Use Unit 16) Mini-Storage and accessory uses

Maximum Storage Unit Height: 18 FT
Maximum Office Height: 26 FT

Building and Storage Unit Minimum Setbacks:

From centerline of Yale Ave. 85 FT

From North boundary of PUD 20 FT

From West boundary of
Development Area A 10 FT

From South boundary of PUD 20 FT

Storage Unit size and color standards: Storage units will be constructed with steel shipping containers. Within each grouping of containers that group must be the same size and color.

Storage Unit entry orientation: The set storage units closest to the north and south property lines are prohibited from having vehicular or pedestrian access.

Maximum Floor Area Ratio (F.A.R.): 0.33

Other Bulk and Area Requirements: As provided within a CS District

Landscape Area: A 20-foot wide landscape buffer will be required adjacent to the north and south boundary of Development Area A in the PUD. Within the landscaped buffer install and maintain a minimum of one tree for each 750 square feet of the buffer area. The trees will be a minimum height of 10 feet with a minimum 2" caliper when installed.

A 10 wide landscape buffer will be required between the fence and the Yale right of way. Street trees will be placed within that buffer. Street trees will be installed and maintained at a maximum spacing of 30 feet. The trees will be a minimum height of 10 feet with a minimum 2" caliper when installed.

The trees and green space along Yale must be irrigated with an automatic irrigation system. The remaining buffer areas may be irrigated with alternative systems as approved during the landscape plan submittal process. The landscape plan must be approved by TMAPC staff prior to release of the building permit.

Hours of operation: The hours of operation for the mini-storage facility will from 6:00 am until 10:00 pm.

Detailed Site Plan:

A detailed site plan must be approved by the TMAPC prior to release of the building permit.

LIGHTING:

Lighting used to illuminate the Site shall be so arranged as to shield and direct the light away from adjacent properties. Building-mounted lights will not exceed 12 feet in height and shall also be arranged and mounted to direct the light down and away from adjacent properties.

Pole Lighting will be limited to a maximum height of 20 feet and will be directed down and away from the adjacent properties.

SIGNAGE:

One ground sign may be constructed along the west boundary of Development Area B and one ground sign may be constructed along the east boundary of Development Area A. Ground Signs will meet the standards defined in the PUD section of the Tulsa County Zoning Code except that single pole signs are not allowed.

Monument signs or signs with two columns will be required.

Wall signage will only be allowed on the Office building of the mini-storage facility.

FENCING AND SCREENING:

A security gate with access code capabilities will be installed for access to the facility. Details of the entrance gate, parking, and office will be provided to meet any fire department or engineering standards required by the County Engineer.

An eight-foot wood or "composite" fence will be installed along the North, South and West boundary of Development Area A.

An eight-foot wood or "composite" fence with masonry columns will be placed roughly parallel to the Yale Right of Way. The fence will be placed a minimum of 10 feet from the right-of-way line to allow street trees east of the fence. This fence will also include brick or stone columns with maximum 50-foot spacing.

Development Area B for stormwater detention will not require screening fencing. If screening fencing is installed it shall meet the standards defined for the north, south and west boundary of Development area A.

TRASH MECHANICAL AND EQUIPMENT AREAS:

There shall be no outdoor storage of recyclable materials, trash or similar material. All trash, ground supported mechanical and equipment areas, shall be screened from adjacent properties. Trash dumpsters will not be placed within 150 feet of the north or south boundary of the PUD.

VEHICULAR ACCESS AND CIRCULATION:

Vehicular access shall be derived from North Yale Avenue and interior vehicular access shall be derived from private

drives extending from North Yale Avenue through the storage facilities. The drives shall be a minimum of 30'-0" between the mini-storage structures. The paving materials of the drives and any parking areas shall be asphalt or concrete.

PEDESTRIAN ACCESS:

Sidewalks will be constructed and maintained within the North Yale Avenue right of way as required by the Tulsa County design standards.

DEVELOPMENT AREA B:

Gross land area: 1.657 acres 72,178 SF

Permitted uses: Use Unit 1 (Area-wide uses by right but limited to a Storm water drainage and detention facility including, landscaping and other accessory uses.)

PLATTING REQUIREMENT:

No building permit shall issue until the area comprising the planned unit development has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Tulsa County Commissioners and duly filed of record. The required subdivision plat shall include covenants of record implementing the development standards of the approved planned unit development.

EXPECTED SCHEDULE OF DEVELOPMENT:

Development of the project is expected to commence within 6 months and to be completed as market conditions permit.

DETAILED STAFF RECOMMENDATION:

The applicant has provided adequate detail in the PUD to ensure that future residential development could be successfully integrated into the area between Highway 75 and North Yale Avenue (Whirlpool Drive) and;

The request in conjunction with the underlying CG zoning is consistent with the low intensity residential vision of the comprehensive plan at this location and;

PUD-821 with the requested Mini Storage Use is harmonious with the surrounding development therefore;

Staff recommends **APPROVAL** of PUD-821 as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: PUD 821 is part of the North Tulsa County Comprehensive Plan 1980-2000. No other comprehensive plan is relevant to this property. The land use map shows this area as a residential use including all types of residential properties such as single family, multi family, townhomes and mobile home park districts. The mini storage is appropriate with considerations given to future residential development surrounding the site and only with Commercial (CS, CG or CH) or Multi Family Residential (RM-1 or RM-2) underlying zoning districts. The PUD has provided assurances that this project can be successfully integrated into the surrounding neighborhood and it does not provide appropriate protection to the existing residential properties west of the expressway especially as it relates to signage considerations.

Transportation Vision:

Major Street and Highway Plan:

North Yale Avenue (Whirlpool Drive) is classified as a secondary arterial street. Ultimately the Major Street and Highway Plan recognizes that this street will become a 4 lane arterial street with sidewalks and possible turn lanes at appropriate locations.

Highway 75 is a 4 lane divided highway. Access to that highway will not be a consideration for this project. Access is also not currently allowed by the Oklahoma Department of Transportation. There is no reason to believe that there will ever be an opportunity to connect to Highway 75 from this site.

The North Tulsa County Comprehensive Plan considered this area as part of a Corridor development area which encourages an internal street collection system. This project would block future considerations for that style of development. The Major Street and Highway Plan does not illustrate a collector street between Highway 75 and North Yale (Whirlpool Drive) at this location.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is a grass site with one existing mobile home. The terrain slopes gently from the high point on the east boundary toward Highway 75. There are no existing conditions that challenge redevelopment of the site.

Environmental Considerations: None that would present development limitations.

Streets:

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

Utilities:

The applicant has noted that the subject tract has municipal water is available from Washington Rural Water District #3. Sanitary sewer service is only available from an Aerobic System proposed for the office.

Surrounding Properties: The subject tract is abutted on the east by agricultural land, zoned AG; on the north by single family residential / business, zoned AG; on the south by single family residential and agricultural land, zoned AG; and on the west by Highway 75 but further west is a single family subdivision in the City of Skiatook, zoned RE.

SECTION III: Relevant Zoning History

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

Surrounding Property:

PUD-683-A August 2014: The applicant withdrew an application for a proposed Major Amendment to abandon PUD-683 on a 1± acre tract of land for on property located southwest corner East 136th Street North and North Yale Avenue and north of subject property.

CZ-322/ PUD-683 August 2003: Staff recommended denial of a request for rezoning a 1± acre tract of land from AG to IL and a proposed Planned

Unit Development, for propane distribution facility on property located southwest corner E. 136th St. N. and N. Yale Ave. and north of subject property. TMAPC and County Commissioners concurred in approval of the applications.

CBOA-2050 July 15, 2003: The Board of Adjustment approved a Special Exception to allow commercial recreation: Intensive (rodeo facility) in an AG district; and a Variance of all-weather surface for parking, with a condition for a three year time limit and six events per year, on property located at 13232 N. Yale Ave. and north of subject property.

CBOA-1260 April 19, 1994: The Board of Adjustment approved a Special Exception to permit commercial recreation (basketball/softball/soccer fields and concessions) in an AG district, on property located at 13132 North Yale Avenue and north of subject property.

Z-5185 November 1978: All concurred in approval of a request for rezoning a tract of land from AG to IL on property located on the northeast corner of East 126th Street North and Highway 75.

TMAPC COMMENTS:

Mr. Dix stated that he was shocked to see that this was going to be a mini-storage area using storage containers and such a thing would be allowed. Mr. Wilkerson stated that this would be the first one. Mr. Dix stated that he lives very close to the subject property and he isn't interested in seeing this along Highway 75 and become an eyesore. Mr. Dix indicated that the subject area is developing very rapidly and he is not in support of this at all.

Mr. Reeds stated that he has seen this in other cities and questioned whether they would be allowed to stack them. Mr. Wilkerson stated that staff is recommending the maximum height to be 18 feet and the intention is not to stack them.

Mr. Fretz asked if the applicant has submitted any renderings of what these units would like when they are in place. Mr. Wilkerson stated that the only thing staff has seen is a site plan. Mr. Wilkerson further stated that staff had requested something more complete, but he feels that the standards that are in the text will define what the site plan should look like and the arrangement of the buildings, color of buildings, etc. Mr. Wilkerson stated that the proposal can't be just a collection of storage containers and it will have to meet the development standards. There will be a screening fence provided along Highway 75.

Applicant's Comments:

Barbara Carson, 624 South Denver, 74103, stated that there will be shipping containers used for self-storage units and there is a big movement for this. Ms. Carson stated that once the containers are put together they look like a normal storage place; however, this is a green way of doing it and a more eco-friendly way to do it. Ms. Carson explained that she has been working with the INCOG staff regarding the esthetics so that they will be above standard.

Mr. Midget out at 2:39 p.m.

Mr. Walker asked if there is a website that the Planning Commission could look at to see this concept. Ms. Carson doesn't know of a website. Mr. Walker stated that it would have been helpful in the packets to see what these would look like. Ms. Carson stated that she understands the concerns since this is something new and different, but she knows that there are single-family lots across the street that could potentially start construction at anytime. Ms. Carson explained that she wants this proposal to look good because the residential families are the ones she hopes will use the facility. Ms. Carson commented that the surrounding properties could be an issue, but the proposal will be the best looking thing out there.

Mr. Shivel asked if the containers are placed on pads. Ms. Carson stated that they will be placed on pads. Mr. Shivel asked if the entire area will be paved. Ms. Carson stated that there will be green space, landscaping with trees and flowers. Ms. Carson further stated that there will be asphalt surrounding the units for accessibility.

In response to Mr. Fretz, Ms. Carson stated that there are some savings using the containers, but it's not enough to encourage it other than to save the environment and reuse these shipping crates.

In response to Mr. Reeds, Ms. Carson stated that once the containers are in place they are locked into place and not moved. The units are 12 feet in height and it will look like one continuous wall.

Mr. Walker stated that since this has never been approved or seen previously he is having a hard time visualizing this and would like a rendering or something to see. Mr. Walker expressed concerns making a decision on something he has never seen before.

Mr. Reeds stated that he has seen several in other states and one can compare them to the metal buildings that are used often in the City for mini-storage. Mr. Reeds further stated that they could be considered more modern looking because of the clean lines, but they do present a

powerful repetitive image of a storage place, which are flat on top. Mr. Reeds agreed that the Planning Commission needs to see a rendering or an example of one that has been installed in order to make a more informed decision.

Mr. Dix moved to deny this application. Seconded by Mr. Fretz.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **5-5-0** (Carnes, Dix, Fretz, Liotta, Walker "aye"; Covey, Millikin, Reeds, Shivel, Stirling "nays"; none "abstaining"; Midget "absent") to recommend **DENIAL** of the CG zoning for CZ-436 and PUD-821.

Motion is tied and therefore CZ-436 and PUD-821 move onto the Board of County Commission without a recommendation from the Planning Commission.

Legal Description for CZ-436/PUD-821:

A tract of land situated in the east half of Section 33, Township 22 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government survey thereof; Beginning 2809.3 feet South of the Northeast corner of said Section 33; thence West 744 feet to the eastern right of way of U.S. Highway 75; thence southwesterly along the Eastern right of way of U.S. Highway 75 a distance of 555.60 feet; thence East a distance of 860 feet; thence North a distance of 542.00 feet to the point of beginning, less the East 30 feet thereof, Tulsa County, State of Oklahoma

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33. **CZ-438 – Chance Furr**, Location: North of West Coyote Trail, east of South 209th West Avenue, requesting a rezoning from **AG to AG-R**, (County)

STAFF RECOMMENDATION:

The applicant did not submit a concept statement however the intended use is for residential redevelopment of the property.

DETAILED STAFF RECOMMENDATION:

CZ-438 is consistent with the existing surrounding property and;

The request for rezoning from AG to AG-R is consistent with the anticipated future development of this area and;

There is no comprehensive plan vision for this area therefore;

Staff recommends **APPROVAL** of CZ-438 to rezone property from AG to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This site is not inside the City of Tulsa Comprehensive plan and is outside of any known comprehensive plan area. This site is contained within the City of Sand Springs fence line.

Land Use Vision: None

Land Use Plan map designation: n/a

Areas of Stability and Growth designation: n/a

Transportation Vision:

Major Street and Highway Plan: None except that Coyote Trail is considered a secondary arterial street on the Tulsa Metropolitan Area Major Street and Highway Plan.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing property has one single family residence and a large shop building.

Environmental Considerations: There are no known environmental concerns that would affect development of this site with single family residential homes.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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West Coyote Trail South	Secondary Arterial	100 feet	2
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Utilities:

The subject tract has municipal water available. A private septic system will be required to meet ODEQ standards when a new home is constructed.

Surrounding Properties: The subject tract is surrounded large lot single family residential property and by rural wooded and largely undeveloped property, zoned AG except south across West Coyote Trail the area is zoned AG-R.

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; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-438 per staff recommendation.

Legal Description for CZ-438:

BEG 548.98S & 137.97 SELY CRV RT & 84.33SE NWC NW NW TH NE404.52 SE302.09 SW404.52 NW302.09 POB SEC 26 19 10 2.805ACS, City of Tulsa, Tulsa County, State of Oklahoma.

34. **Z-7286 – Margaret Bannochie**, Location: Southeast corner of West 71st Street and South Jackson Avenue, requesting a rezoning from **RS-3/AG to CS**, (CD-2)

STAFF RECOMMENDATION:

Z-7286 is one of the few remaining parcels on the south side of West 71st between South Elwood and Tulsa Hills that has not been re-zoned to commercial use designation. This rezoning request is consistent with the comprehensive plan vision.

DETAILED STAFF RECOMMENDATION:

Z-7286 is a request to rezone from RS-3/AG to CS is consistent with the Comprehensive Land Use Map and;

CS zoning is consistent with the West Highlands small area plan however there are no regulatory guidelines that will provide standards to implement some of the “rural” vision of the West Highlands Plan. Our current Zoning Code only allows that level of design detail through a Planned Unit Development and;

CS zoning is consistent with the anticipated development pattern of the surrounding property therefore

Staff recommends **APPROVAL** of Z-7286 to rezone property from RS-3/AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: 71st street has recently been expanded without the commuter vision for a landscaped median or a center left turn lane implementation. The zoning request does not provide limitations for future development of that concept.

The Town Center land use designation is primarily a medium scale pedestrian development. Providing a comfortable place for pedestrian movement can be enhanced with the existing tree cover. Straight zoning does not support trying to save vegetation however it is hopefully that some of the natural character of the property can be preserved.

Land Use Vision:

Land Use Plan map designation: Town Center

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 designation: 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 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: West 71st Street is classified as a primary arterial with a Commuter Street overlay.

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

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

Trail System Master Plan Considerations:

Z-7286 is adjacent to West 71st Street and within ¼ mile of the intersection of 71st at Elwood where a gateway park is contemplated as part of the West Highlands Small Area Plan. Provisions for sidewalk and trail connections should be part of any development in this area. Future improvements to West 71st Street should consider the recommendations for the vision represented below. Street trees add comfort and safety to the pedestrian realm.

Small Area Plan: West Highlands Small Area Plan. The Tulsa City Council adopted the small area plan April 2014 [Resolution #2670:922](#)

Special District Considerations: None except the West Highlands Small Area Plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is bisected with a City of Tulsa Regulatory flood plain and will provide development challenges for such a small parcel. The creek channel is relatively natural and could be preserved. Preserving existing vegetation and natural

stream channels is one of the goals of the West Highland Small Area Plan.

Environmental Considerations: Development of this site will require modification of the stream channel or will require that the channel be preserved. Several large trees on the site add significant value for infill style development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 71 st Street	Primary Arterial	120 feet	4
South Jackson Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by undeveloped property with CS and RS-3 Zoning with a PUD overlay for a mixed use development,; on the north by undeveloped property, zoned AG; on the south by single family residential property, zoned AG; and on the west by small business and residential, zoned RS-3

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

Z-7195/ PUD-790 March 2012: All concurred in approval of a request for rezoning a 4± acre tract of land from AG to RM-2 and a Planned Unit Development (PUD-790), for life care retirement cent and assisted living facility with a maximum 80,000 sq. ft. and 120 dwelling units, on property located east of northeast corner of West 71st Street and South Olympia Avenue.

Z-7052/PUD-738 May 2007: All concurred in approval of a request to rezone a 39.19± acre tract from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development with two Development Areas, on property located at the southwest corner of West 71st Street South and South Elwood Avenue. Northern Development Area A permits office and commercial use and the southern Development Area B allows for children’s nursery and church use, townhouse and multifamily dwelling as well as off-street parking and offices and studios.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the CS zoning for Z-7286 per staff recommendation.

Legal Description for Z-7286:

N208.75 W208.75 NE NE LESS N70 & LESS S30 N100 E58.75 FOR RD SEC 11 18 12 .62AC **AND** BEG 70S NEC NW TH W185 TO PT SWLY 40 TO PT S215 E210 N245 POB SEC 11 18 12 1.17AC **AND** PRT E/2 NW NE BEG 210W & 100S NEC W/2 NE TH W50 N25 W50 S354 E310 N114 W210 N215 POB SEC 11 18 12 1.33AC **AND** PRT NE NE BEG 208.75S NWC NE NE TH S10 E96.6 N10 W96.6 POB SEC 11 18 12 .022ACS, City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

35. **Z-5620-SP-14 – Eller & Detrich/Andrew A. Shank**, Location: Southeast corner of South Memorial Drive and East 91st Street, requesting a Corridor Development Plan to add Use Unit 14, Shopping Goods and Services, **CO/Z-5620-SP-14**, (CD-7)

STAFF RECOMMENDATION:

The original Corridor Plan was very restrictive only allowing a fueling station with an accessory convenience store. The requested amendment allows additional uses and changes building setback requirements. Use Unit 23 has only been included as an accessory use to support a retail store in Use Unit 14 that requires a large storage area.

Z-5620-SP-14 DEVELOPMENT STANDARDS:

The Applicant is requesting an amendment to Corridor Plan Z-5620-SP-3 (the "Amendment") to revise the Corridor Plan Development Standards to allow for the development of a Mathis Brothers Sleep Center (the "Project"). A conceptual site plan for the Project is attached as Exhibit "A-1". The revised Development Standards for the Project are as follows:

1. Permitted Uses:
Use Unit 14 – Shopping Goods and Services,

Use Unit 21 – Business Signs and Outdoor Advertising, and uses of a nature customarily accessory thereto, include, without limitation,

Use Unit 23 – Warehousing and Wholesaling, as an accessory use.

2. Floor Area Ratio: 1.25
3. Maximum Building Coverage: 30%
4. Maximum Building Height: 30 FT*

*Architectural elements (elements extending above building roofline) up to 50 FT for unoccupied architectural features shall be subject to Detailed Site Plan approval.

5. Minimum Building Setback:

From centerline of Memorial	100 FT
From centerline of East 91 st Street South	95 FT
From East property line	0 FT
From South property line	0 FT

6. Number of Off-Street Parking: 20 Spaces

7. Landscaping:

The Project will be landscaped in accordance with the requirements of the Landscape Chapter of the Tulsa Zoning Code unless those requirements altered by the Tulsa Metropolitan Area Planning Commission pursuant to an Alternative Compliance Landscape Plan.

8. Signs:

A. Wall Signs shall not exceed an aggregate display surface area of three (3) square feet per lineal foot of the building wall to which the sign or signs are affixed.

B. The Project may utilize signs which are not subject to the limitations of the Corridor District or Section 1221 of the Tulsa Zoning Code in accordance with the provisions set forth in Section 225.A and 225.B of the Tulsa Zoning Code.

VEHICULAR ACCESS AND CIRCULATION:

This project is a redevelopment of a commercial property at the southeast corner of East 91st South at South Memorial Drive and is adjacent to

South Memorial Drive and East 91st Street. The vehicular access will continue to be from those two arterial streets. A significant change to the vehicular access is not anticipated.

PEDESTRIAN ACCESS:

The site will require a plat or plat waiver and sidewalks will be required along South Memorial Drive and East 91st Street as part of this redevelopment. The conceptual plan illustrates the new sidewalk location. Appropriate internal sidewalk connections are illustrated on the conceptual plan.

PLATTING REQUIREMENT:

The property has been platted and staff will support a plat waiver if all the standards for a plat waiver are met. Part of the plat waiver request will require sidewalk construction in the public right of way.

EXPECTED SCHEDULE OF DEVELOPMENT:

Development of the Project is scheduled to begin in the First Quarter of 2015 after approval of this Amendment, Detailed Site Plan approval and amendment and/or re-platting of the Project.

DETAILED STAFF RECOMMENDATION:

Z-5620-SP-14 plan amendment will allow a broader use anticipating future Town Center development and is therefore consistent with the Land Use vision of the Comprehensive Plan and;

The development standards identified in Z-5620-14 are consistent with the anticipated development of the proximate properties and;

The Corridor Development Plan is consistent with the Corridor Chapter of the Tulsa Zoning code therefore;

Staff recommends Approval of Z-5620-SP-14 as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The amendment to the Corridor Development Plan will allow future development with greater flexibility that was originally allowed. Building setback has been reduced, uses have been added and parking standards have been relaxed. The expanded uses and development standards are consistent with the Town Center Vision and will actually make it easier for future development to meet the Land Use Vision of the Comprehensive

Plan. Additional sidewalk construction will provide a pedestrian environment that is part of the Multi Modal vision of the street system at this location.

Land Use Vision:

Land Use Plan map designation: Town Center

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 designation: 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 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:

Both 91st Street and Memorial are Multi Modal Streets. The transportation vision of a multi-modal street in the Comprehensive Plan emphasizes plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations:

This site is within one half mile of the multi use trail on the Creek Turnpike. Additional sidewalk construction will be required for this site and will continue to provide an uninterrupted connection to the trail system.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: The existing site was a gasoline station with a convenience store. The site will be demolished and the gasoline tanks will be removed for a new building.

Staff Summary: The site is not limited by terrain or significant site features that would provide challenges to redevelopment.

Environmental Considerations: The fueling system and fuel storage will be removed. There are no known environmental issues with the exception of the fuel system cleanup operation.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 91 st Street	Secondary Arterial with multi modal overlay	100 feet	5
South Memorial Drive	Primary Arterial with multi modal overlay	120 feet	6

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is surrounded by a wide variety of commercial uses.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 15232 dated December 16, 1981, established zoning for the subject property.

Subject Property:

BOA-15820 September 24, 1991: The Board of Adjustment **approved** a *Variance* of the permitted wall signage to permit 3 wall signs which exceed the permitted display surface area by a total of 29.5 sq. ft. (Section 1221.D); subject to the internal illumination of the awning being less than 25 foot candles measured at a 2 ft. distance, on property located at 9101 S. Memorial Drive, and also known as the subject property.

Z-5620-SP-3 March 1984: All concurred in approval of a request for a Corridor Development Plan on a .69± acre tract of land for an automotive service station and food mart facilities with a separate car wash and storage facility, on property located on the southeast corner of E. 91st St. and S. Memorial Dr. and also known as the subject property.

Surrounding Property:

Z-5620-SP-6 January 1992: All concurred in approval of a request for a Corridor Development Plan on a .60± acre tract of land for Use Unit 18 drive-in restaurant (Sonic), on property located east of the southeast corner of E. 91st St. and S. Memorial Dr. and abutting east of subject property.

PUD-704/Z-5620-SP-12 May 2004: All concurred in approval of a proposed Planned Unit Development and Corridor Development Plan on a 12± acre tract of land for an automobile dealership (Use Unit 17), as well as Use Units 10, 11, 12, 13, and 14, on property located on the east side of S. Memorial Dr. and south of E. 91st St. and abutting south so subject property.

Mr. Midget in at 2:51 p.m.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the corridor development plan for Z-5620-SP-14 per staff recommendation.

Legal Description for Z-5620-SP-14:

LT 1 BLK 1, STAR CENTER, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

36. **Z-7264 – CBC Builds, LLC/Harry D. Grande Sr.**, Location: East of South Madison Avenue between East 38th Place and East 39th Street, requesting rezoning from **RS-3 to RS-4**, (CD-9) (Continued from 5/21/14, 6/18/14, 8/20/14 and 12/03/14) (Related to 39th & Madison Preliminary Plat)

Ms. Miller explained that this item has been continued several times due to a question about ownership interest. The Legal Department has reviewed the status of the case and determined that it could move forward.

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 RiverParks, 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± acre 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 indicated that staff sent a notice to the homeowners in the subject area to remind them that this case was continued to today's meeting date.

Ms. Miller stated that staff recommends **APPROVAL** of the zoning change.

TMAPC COMMENTS:

In response to Mr. Shivel, Ms. Miller stated that the homes will be facing 38th Place and 39th Street and will fit into the neighborhood with the same orientation that the existing homes are. The homes will be consistent with the RS-4 Zoning Code requirements.

RELATED TO ITEM 36:

37. **39th and Madison, Preliminary Plat,** Location: East of South Madison Avenue between East 38th Place and East 39th Street, (CD-9) (Related to case Z-7264.and continued from same dates)

STAFF RECOMMENDATION:

This plat consists of six lots, one block, on .9 acres.

The following issues were discussed May 15, 2014, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RS-3 with RS-4 zoning pending.
 2. **Streets:** Provide reference for existing right-of-way to centerline of 38th Place such as plat number, and book and page number. Dedicate 25 feet of right-of-way to centerline of 39th Street. (It is unclear how much right-of-way is currently available along 39th Street.)
 3. **Sewer:** Provide an 11-foot back to back utility easement (total 22 feet) along the back lot line of the six lots. Also, add another 5-foot utility easement along the west property line of Lots 1 and 6.
 4. **Water:** The two-inch water main lines shown along East 38th Place and East 39th Street South have been upgraded to six inches. Reference City project TMUA-W-10-37.
 5. **Storm Drainage:** Replace the last sentence of Section I H with the standard language.
 6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO requires additional easement and specific language about height of structures especially as concerning setbacks of at least 10 feet near conductors in the pending PUD so that clearance per OSHA rules can be met. AT&T and other utilities may need additional easements.
- Other: Fire:** No comment.
8. **Other: GIS:** Do not show contours on face of plat. Remove leader overstrike on project leader on project location map. Label unplatted areas. Label E 41st Street to E 41st Street South on Location Map. Label E 39th Street and E 38th Place to E 39th Street South and East 38th Place South. Label point of beginning. Show regulatory floodplain. Submit 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.

TMAPC COMMENTS:

Mr. Covey asked Ms. VanValkenburgh her opinion regarding the legal issues with ownership on this application. Ms. VanValkenburgh stated that when this first came before the Planning Commission one of the

neighbors disclosed to us that he had filed a lawsuit concerning the subject property and claiming a right to the property by means of a contract. Ms. VanValkenburgh explained that she felt it was important to investigate the claim. The lawsuit is ongoing and the applicant has come forward and indicated that he would like to proceed forward with the case. After further review, it was decided that based upon the record of ownership that it is in now and he has given his authority to the applicant to make this application, it can move forward.

Mr. Reeds asked if the Planning Commission's exposure limited. Ms. VanValkenburgh stated that she feels that it is important to move forward based on upon what the record owner shows. The Plaintiff's attorney has been notified that this application will be moving forward. Ms. VanValkenburgh stated that the Plaintiff's attorney has not challenged her decision to move forward.

INTERESTED PARTIES COMMENTS:

Wesley Nelson, 3903 South Madison Avenue, 74134, stated that the lawsuit is still pending and there is depositions are scheduled Monday. Mr. Nelson commented that once he wins the lawsuit he would have to come back to the TMAPC and rezone the property back to what it is currently. Mr. Nelson requested the Planning Commission to deny this application and allow the Judge decide who the real owner of the subject property is. Mr. Nelson stated that six houses are too much on the subject property and four houses would fit better.

TMAPC COMMENTS:

Ms. Millikin asked Ms. VanValkenburgh if it is correct that if the Planning Commission decides this application today, the decision is not going to be an adjudication of ownership in Mr. Nelson's case. Ms. VanValkenburgh answered affirmatively. Ms. Millikin asked if the Planning Commission's decision impact the case in anyway. Ms. VanValkenburgh stated that it is difficult to conclude that it would, but she doesn't see that it would impact it. Ms. VanValkenburgh reiterated that the Plaintiff's attorney has not contacted her and he has been informed that this case was moving forward. Ms. VanValkenburgh further stated that she believes that if the Plaintiff's attorney wanted to take that position he would have contacted her.

In response to Mr. Dix, Ms. VanValkenburgh stated that in her research she believes that there was a death and determination of a joint tenancy and that is derivation of the title. Ms. VanValkenburgh further stated that she doesn't follow what Mr. Nelson is claiming. Ms. VanValkenburgh stated that there were deeds to several parties that are deceased. Ms. VanValkenburgh pointed out Section 1703.A.1 in the Zoning Code, regarding initiating zoning map amendments and addresses who is

allowed to apply for a change in zoning. Ms. VanValkenburgh indicated that a clear title to the subject property will not be available until the Judge makes his decision.

Mr. Liotta asked Ms. VanValkenburgh if she is advising the Planning Commission, as their legal counsel, that her interpretation of the law is that it is appropriate and maybe even required for this application to move forward. Ms. VanValkenburgh agreed with Mr. Liotta's statement.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the RS-4 zoning for Z-7264 per staff recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for 39th and Madison per staff recommendation.

Legal Description for Z-7264:

Lots 1 and 2, Block 2, Eden's Resub Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

OTHER BUSINESS

38. Commissioners' Comments: None.

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TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting 2688.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:09 p.m.

Date Approved:

01-21-2015


Chairman

ATTEST:



Secretary