

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2689

Wednesday, January 7, 2015, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Reeds	Fernandez	VanValkenburgh, Legal
Covey	Stirling	Hoyt	
Dix		Huntsinger	
Fretz		Miller	
Liotta		White	
Midget		Wilkerson	
Millikin			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, January 5, 2015 at 1:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

#### **Director's Report:**

Ms. Miller congratulated Mr. Carnes on his reappointment to the Planning Commission.

Ms. Miller reported on the TMAPC receipts for November 2014 and stated that it is consistent with the month of October 2014 and November 2013. Ms. Miller commented that it appears that the receipts for the year of 2014 are down from 2013.

Ms. Miller reported that the revised Zoning Code is in the Mayor's office for review. Ms. Miller stated that in the meantime the draft has also been sent to the Citizen's Advisory Team members.

Ms. Miller reported on upcoming agenda items. Ms. Miller further reported on the City Council and BOCC agendas.

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## **CONSENT AGENDA**

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

1. **LS-20747** (Lot-Split) (CD-9) – Location: South of the southeast corner of East 45<sup>th</sup> Place South and South Columbia Avenue (Related to LC-633 and LC-634)
2. **LC-633** (Lot-Combination) (CD-9) – Location: South of the southeast corner of East 45<sup>th</sup> Place South and South Columbia Avenue (Related to LS-20747 and LC-634)
3. **LC-634** (Lot-Combination) (CD-9) – Location: South of the southeast corner of East 45<sup>th</sup> Place South and South Columbia Avenue (Related to LS-20747 and LC-633)
4. **LS-20748** (Lot-Split) (County) – Location: Southwest corner of East 161<sup>st</sup> Street South and South Harvard Avenue (Related to LC-635)
5. **LC-635** (Lot-Combination) (County) – Location: West of the southwest corner of East 161<sup>st</sup> Street South and South Harvard Avenue (Related to LS-20748)
6. **LS-20749** (Lot-Split) (CD-9) – Location: Southwest corner of East 37<sup>th</sup> Street South and South Jamestown Avenue (Related to LC-636)
7. **LC-636** (Lot-Combination) (CD-9) – Location: South of the southwest corner of East 37<sup>th</sup> Street South and South Jamestown Avenue (Related to LS-20749)
8. **LC-217** (Termination of Declaration) (CD-7) – Location: West of the northwest corner of East 61<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue (Related to LC-637 and LS-20750)
9. **LS-20750** (Lot-Split) (CD-7) – Location: West of the northwest corner of East 61<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue (Related to LC-637)

10. **LC-637** (Lot-Combination) (CD-7) – Location: West of the northwest corner of East 61<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue (Related to LS-20750)
11. **LC-638** (Lot-Combination) (CD-4) – Location: Northwest corner of East Mathew Brady Street and North Elgin Avenue
12. **LC-639** (Lot-Combination) (CD-4) – Location: Southeast corner of West 13<sup>th</sup> Street South and South Denver Avenue
13. **LS-20751** (Lot-Split) (County) – Location: West of the northwest corner of East 66<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue
14. **\*\*LS-20752** (Lot-Split) (County) – Location: North of the northeast corner of West 61<sup>st</sup> Street South and South 85<sup>th</sup> West Avenue
15. **Change of Access** – Crane Carrier Industrial Addition, Lot 1, Block 1, Location: North of northeast corner of North Mingo Road and East 46<sup>th</sup> Street North, (CD-3)
16. **Quaker Apartments – Final Plat**, Location: Southwest corner of intersection of East 49<sup>th</sup> Place and South Quaker Avenue, (CD-9)
17. **Z-7164-SP-1c – Eller & Detrich/Lou Reynolds**, Location: South and east of West 81<sup>st</sup> Street and Highway 75, requesting a **Corridor Minor Amendment** to modify the center identification sign along Highway 75 frontage of Lot 7 and modify building height restriction for Lot 8, **CO/Z-7164-SP-1**, (CD-2) (Related to Z-7164-SP-1) **This Item removed from the consent agenda.**
18. **\*\*Z-7164-SP-1 – Cedar Creek Consulting/Jason Emmett**, Location: South of the southeast corner of West 81<sup>st</sup> Street South and Highway 75, requesting a **Corridor Detailed Site Plan** for a new motion picture theater in a corridor district, **CO/Z-7164-SP-1**, (CD-2) (Continued from December 17, 2014) (Related to Z-7164-SP-1c) **This Item removed from the consent agenda.**
19. **PUD-666 – Khoury Engineering, Inc.**, Location: Northwest corner of South Garnett Road and East 81<sup>st</sup> Street South, requesting a **PUD Detailed Site Plan** for a new medical facility within the PUD, **CS/RM-0/PUD-666**, (CD-7)
20. **Z-7164-SP-1 – Khoury Engineering, Inc.**, Location: South of the southeast corner of West 81<sup>st</sup> Street South and Highway 75, requesting a **Corridor Detailed Site Plan** for a new restaurant in a corridor district, **CO/Z-7164-SP-1**, (CD-2)

**\*20. a Barnard Trace Addition – Final Plat**, Location: North of northwest corner of East 21<sup>st</sup> Street South and South Lewis Avenue, (CD 4)

**\*20.b. AC-133 – AAB Engineering/Alan Betchen**, Location: Northwest corner of South Mingo at East Admiral Place, requesting an Alternative Compliance Landscape Plan in lieu of the requirement for all parking spaces to be placed within 50 feet of a landscape area with a tree the applicant proposes to provide 11 additional trees, one landscape bed and full site irrigation.

Mr. Covey stated that Items 17 and 18 will be removed from the consent agenda and heard during the public hearing.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Midget, Reeds, Stirling "absent") to **APPROVE** Items 1 through 16, and Items 19-20, 20a. and 20b per staff recommendation.

\* \* \* \* \*

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

Mr. Fretz recused from Items 22, 23 and 24. Mr. Fretz out at 1:38 p.m.

Mr. Midget in at 1:38 p.m.

**PUBLIC HEARINGS:**

Mr. Covey announced that Items 22, 23 and 24 are related items and have requested a continuance to 1/21/15.

Mr. Covey stated that he would be taking Item 26 out of order.

22. **Z-7288 – John Moody**, Location: North of the northeast corner of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue, requesting rezoning from **AG to RM-1**, (CD-6) (Related to PUD-825) (Continued from 12/3/14 & 12/17/14) **(Continuance request to January 21, 2015)**

23. **PUD-825 - John Moody**, Location: North of the northeast corner of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue, requesting a **PUD, AG to RM-1/PUD**, (Related to Z-7288) (CD-6) (Continued from 12/3/14 & 12/17/14) **(Continuance request to January 21, 2015)**

24. **Brookstone Park at Lynn Lane - Preliminary Plat**, Location: North of the northeast corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue, (CD 6) (Continued from December 17, 2014) **(Continue to January 21, 2015 per zoning cases Z-7288 & PUD 825)**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Liotta, Midget, Millikin, Shivel, Walker ""aye"; no "nays"; none "abstaining"; Fretz, Reeds, Stirling "absent") to **CONTINUE** Items 22, 23 and 24 to January 21, 2015.

\* \* \* \* \*

26. **TCG Tulsa Campus – Preliminary Plat**, Location: East of the northeast corner of South Lynn Lane and East 51<sup>st</sup> Street South, (CD-6)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 10.87 acres.

The following issues were discussed December 18, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RM-2 (residential multi-family). Check on ownership and history of site lot splits especially within western 195 feet,
2. **Streets:** Dedicate 50-foot right-of-way for 195 feet along western property line. Access is shown in drainage easement where driveway curbs may not be permitted. Provide document number or book/page number for dedication. In Limits of No access section of covenants change East 76 Street to E 51<sup>st</sup> Street. Provide section on sidewalks in the covenants. The location of driveway access on conceptual plan does not match location shown on face of plat. Location of west detention pond outlet is in future right of way.

3. **Sewer:** A 17.5-foot perimeter easement will be required along the west boundary line of the plat. The conceptual plan shows a 29-foot utility easement, which would also be acceptable. An additional 15-foot sanitary sewer easement, with the pipe centered within the easement, will be required for the public sanitary sewer line extending into the interior of the plat. Provide distances and bearings for the sanitary sewer easement. Broken Arrow Development fees of \$700 per acre will be assessed for the platted area. A fee of 2.9% of the total Broken Arrow fees will be assessed to cover the City of Tulsa Administration fees. Trinity Creek payback contract fees of \$640 per acre will be assessed for the platted area as well.
4. **Water:** A 20-foot water line easement is required with the waterline centered in it, adjacent to the roadway on the east and south sides. A connection to the existing six-inch waterline as South 182<sup>nd</sup> East Avenue and South 49<sup>th</sup> Place in Stone Gate is necessary for another directional fee. Waterlines under pavement are to be ductile iron pipe; proposed fire hydrants and water service meters installed in green space areas inside the easement of the waterline. Include bearings and distance on all proposed waterline easements. The proposed 12-inch waterline along E 51<sup>st</sup> St should maintain the alignment of the 12-inch main from Stone Gate that is installed 1.7 feet inside the 50-foot right-of-way. Conceptual comments: Will City of Tulsa have access to waterline along the east side of the proposed development? Provide eight-foot offset from right of way line, minimum five-foot offset. Check spacing of Fire hydrants and valves. Protection needed during waterline installation.
5. **Storm Drainage:** Use standard language for Section IC. There is no assurance that public storm sewers will never be placed on the property. Included detention easement language.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Need to add language to covenants to cover the fully sprinkling of all structures in this development until a second fire access road is available.
8. **Other: GIS:** Clarify location map. Graphically show monumentation. Submit subdivision data control sheet.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Development Services and Engineering Services staffs must be taken care of to their satisfaction.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.



23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Fretz, Reeds, Stirling "absent") to **APPROVE** the preliminary plat for TCG Tulsa Campus per staff recommendation.

\*\*\*\*\*

Mr. Fretz in 1:41 p.m.

17. **Z-7164-SP-1c – Eller & Detrich/Lou Reynolds**, Location: South and east of West 81<sup>st</sup> Street and Highway 75, requesting a **Corridor Minor Amendment** to modify the center identification sign along Highway 75 frontage of Lot 7 and modify building height restriction for Lot 8, **CO/Z-7164-SP-1**, (CD-2) (Related to Z-7164-SP-1)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the Corridor Plan Development Standards to modify the center identification sign along Hwy 75 frontage of Lot 7 and modify building height restriction for Lot 8.

The Tulsa Zoning code requires 10% of the net land area to be landscaped for commercial uses.

Currently two center identification signs are allowed along Highway 75 to be separated from each other by a minimum of 500 ft; however the standards do not state a minimum distance from the southern boundary. The proposed amendment establishes a minimum distance.

Proposed Amendment: "The Center Identification Signage located on Lot 7 along U.S. Highway 75 frontage will be located at least 450 ft from the south boundary of the Project."

Minor Amendment Z-7164-SP1b established a maximum building height for Lot 8 of 35 ft for the south 340 ft of the lot and 45 ft for the remainder of the lot.

Proposed Amendment: “The Maximum Building Height for the south 195 ft of Lot 8 is 35 ft and 45 ft for the remainder of Lot 8.”

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 806.C of the Corridor District Provisions of the City of Tulsa Zoning Code.*

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

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the original Corridor Development Plan or the previous amendments.
- 2) All remaining development standards defined in Z-7164-SP-1 previous minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to modify the center identification sign along Hwy 75 frontage of Lot 7 and modify building height restriction for Lot 8.

**Applicant’s Comments:**

**Lou Reynolds**, 2727 East 21st Street, 74114, stated that the applicant and the interested parties are in agreement with staff’s recommendation; however, they have had a recent agreement and they would like to memorialize that in this record. Mr. Reynolds requested that the Planning Commission approve the application with these additional conditions. The Hyde Park representative would like to present the agreements.

Mr. Covey asked Mr. Reynolds if staff has seen these conditions. Mr. Reynolds explained that the interested parties and the developer just agreed to these conditions minutes before today’s meeting.

**INTERESTED PARTIES COMMENTS:**

**Bart James**, 7910 South 101<sup>st</sup> East Avenue, 74132, attorney for Hyde Park Neighborhood Association, stated that there is no problem with the sign to the north and moving the high wall closer to the neighborhood is a

good thing because it will help block some of the top air conditioning units to some extent. Mr. James stated several additional agreements between the neighborhood and the developer, which is a private agreement.

**Bob Webber**, 8410 South Nogales Avenue, 74132, addressed the issue with neon lights wrapping the building. Mr. Webber complimented INCOG for their good work with private citizens. Mr. Webber requested that the neon light not be allowed to wrap around the building that would face his neighborhood.

**Applicant's Rebuttal:**

Mr. Reynolds stated that the strip of neon light that Mr. Webber is speaking of is on top of a south-facing wall and is probably 250 plus feet from the property line. It is a small decorative light to give a neon affect for the movie theater. Mr. Reynolds explained that it will be a low-level light and will not cause any distractions. Mr. Reynolds requested that this application be approved with the lighting that is a soft-glow light to give a neon affect.

Mr. James stated that the developer agreed to stop the neon lighting so that it wouldn't wrap to the south side of the property. Mr. Reynolds stated that he wasn't at that meeting and it can be taken off.

Mr. Covey stated that Mr. James and Mr. Webber stated a lot of changes.

Ms. VanValkenburgh stated that it was a lot of changes that are difficult to follow. Ms. VanValkenburgh further stated that in order to track these changes and to know what everyone is agreeing to it should be reduced to writing and included as part of an amendment to the PUD.

Mr. Covey recognized Mr. James. Mr. James requested that the Planning Commission not delay this application. The changes agreed upon can be memorialized in writing later.

Ms. VanValkenburgh stated that the request before the Planning Commission today is for the sign along Highway 75 and the building height. Mr. James stated that both of those are acceptable and not a problem. Ms. VanValkenburgh stated that the Planning Commission could consider the request that is before them today, but there should be a subsequent minor amendment to incorporate these other issues that have been agreed to.

Mr. Midget asked if today's request were approved today that would help the project move along and then the applicant can come back to memorialize what is needed in writing. Mr. James agreed with Mr.

Midget's comments. Mr. Reynolds agreed with Mr. Midget's comments as well and stated that he would prepare the minor amendment.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **APPROVE** the corridor minor amendment for Z-7164-SP-1c per staff recommendation.

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18. **\*\*Z-7164-SP-1 – Cedar Creek Consulting/Jason Emmett**, Location: South of the southeast corner of West 81<sup>st</sup> Street South and Highway 75, requesting a **Corridor Detailed Site Plan** for a new motion picture theater in a corridor district, **CO/Z-7164-SP-1**, (CD-2) (Continued from December 17, 2014) (Related to Z-7164-SP-1c)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 6.95 Acre site in a Corridor District for a new motion picture theater including one, one story building.

**PERMITTED USES:**

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

**DIMENSIONAL REQUIREMENTS:**

Pending approval of Minor Amendment Z-7164-SP-1c, the submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Corridor Development Plan are required for approval of this site plan.

#### ARCHITECTURAL GUIDELINES:

The new building meets all applicable architectural guidelines in the Corridor Development Plan.

#### OFF-STREET PARKING AND VEHICULAR CIRCULATION:

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

#### LIGHTING:

Site lighting plans are provided. All site lighting, including building mounted within 75 ft of the south boundary of the development shall not exceed 18 ft in height. All other site lighting, including building mounted shall not exceed 35 ft in height. All site lighting shall be hooded and directed downward and away from the east and south boundaries of the project to the extent that light producing elements and reflectors will not be visible to a person standing at ground level within abutting residential districts or residentially used property.

#### SIGNAGE:

The site plan illustrates wall sign locations. Any new signage will require a separate permit. All signage will be required to meet the Corridor Development Plan Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

#### SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Corridor Development Plan requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

#### PEDESTRIAN ACCESS AND CIRCULATION:

The plan displays sidewalks along Olympia Avenue as well as internal pedestrian paths from Olympia Avenue to the proposed building and also adjacent to the proposed building. Sidewalks are also shown along West 83<sup>rd</sup> Street and Maybelle Avenue.

#### MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

#### SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **Z-7164-SP-1**. Pending approval of Minor Amendment Z-7164-SP-1c, the site plan submittal meets or exceeds the minimum

requirements of the Corridor Development Plan. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Corridor Development Plan, and the stated purposes of the Corridor Development Plan section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new motion picture theater.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **APPROVE** the corridor detailed site plan for Z-7164-SP-1 per staff recommendation.

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21. **LS-20733** (Lot-Split) (County) – Location: West of the southwest corner of East 161<sup>st</sup> Street South and South 161<sup>st</sup> East Avenue (continued from 12/3/14 & 12/17/2014)

**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.

**Applicant's Comments:**

**Dennis Kelly**, 9216 East 119<sup>th</sup> Place, Bixby, 74008, stated that he has 13.75 acres and he would like to split it and sell off a portion of the subject property or perhaps all of the subject property. Mr. Kelly indicated that he may build on a portion of the subject property for himself, but he is not sure what he wants to do with the subject property at this time. Mr. Kelly

commented that putting a large parcel up for sale doesn't work as well as subdivided property. Mr. Kelly indicated that there would be three small lots in front of the subject property and a one large lot in the back to allow him the flexibility he needs to sell the property.

**TMAPC COMMENTS:**

Mr. Dix asked Mr. Kelly if he has seen the letter/email from Bixby's City Engineer regarding water taps (Exhibit A-2). Mr. Kelly indicated that he has seen the letter. Mr. Dix asked Mr. Kelly how that would affect his development. Mr. Dix stated that the letter he is reading from December 4, 2014 stating that there wouldn't allow any water taps unless they are directly connected to a 12-inch waterline. Mr. Kelly stated that he has a letter from the City of Bixby dated earlier than that approving four taps from the City Council and he understands that they are permanent. Mr. Kelly indicated that he understands that there are no more taps available, but his are approved and permanent. Mr. Kelly stated that he has dug a well and could put it on well water just as easily because there is a lot of water available. Mr. Dix stated that the well water could provide water for one lot. Mr. Kelly stated that if he could sell part of the land that would give him the flexibility that he wants whether it has water or not and obviously it is beneficial if he can provide water. Mr. Dix stated that he hasn't seen a letter that approves the water taps. Mr. Kelly submitted the letter (Exhibit A-1). Mr. Dix that the letter approving four taps if from June 27, 2005 and the email is dated December 4, 2014, which is nine years later that they are not going to allow any taps and there's a conflict. Mr. Kelly stated that regardless of the conflict he would still want to split the lots.

Mr. Midget asked Mr. Kelly how he would split up the property if he is unable to provide water. Mr. Kelly stated that the land still has value and his intention to split them and he can still sell land even if it doesn't have water. Eventually the subject area will have water and it will take someone a lot bigger than him to do this because the larger water mains are some distance away.

Mr. Dix asked Ms. White if the County is the permitting jurisdiction and not the City of Bixby. Mr. Dix stated that City of Bixby is only concerned with their waterlines in the subject area. Mr. Dix asked Ms. White if the three-inch water line belongs to the City of Bixby. Mr. Dix read the email from the City of Bixby dated from 2014, which states that no additional taps are being issued that do not connect directly to one of the City's 12-inch water mains. Mr. Dix asked Ms. VanValkenburgh to confirm that no allowed water tap has no affect on the lot-split. Mr. Dix stated that the applicant can split the lots, but he can't guarantee that the land can have a water tap with that split. Mr. Dix further stated that whether or not they can achieve water taps is really irrelevant is what he is hearing.

Ms. Fernandez stated that when staff takes an application for lot-splits they make sure that there is water and sewer of some type or access, as well as the Bulk and Area Requirements to make sure the lot is big enough. If he can't get water taps from the City of Bixby and he only has well water it would have to be approved through the Department of Environmental Quality (DEQ). The County Engineer would certainly need to look at this again to see if he thought that the water would suffice. If the Planning Commission approves this with the condition that staff checks on the well water to make sure it is acceptable to DEQ and the County Engineer is one thing, but she would recommend that it either be continued or have it start over because as an elementary part of doing a lot-split is that it needs to have water the site. If we are not certain that there is water there, then the applicant needs to show how that is possible or else deny the lot-split.

Mr. Covey asked Ms. Fernandez if she is changing staff's recommendation. Ms. Fernandez stated that she would look to City Legal to see what she has to say, but if there is no water to the subject site at this point and she doesn't see that there is at this point. Ms. VanValkenburgh stated that she believes what Ms. Fernandez is stating makes perfect sense. Ms. VanValkenburgh further stated that in affect it would be an amendment of the previous recommendation based on the new information that has been provided.

Mr. Dix stated that there is evidence of water well, but it only takes care of one of the four lots that this split would create. Mr. Dix asked if it is correct that one can only serve one lot with a water well. Ms. Fernandez stated that she doesn't know if the well can serve more than one lot. Ms. Fernandez stated that there is no way of knowing if the water well can serve more than one lot unless the DEQ stated that the water is safe. Ms. Fernandez stated that staff would need proof of DEQ's findings on the water well, just as staff needs proof of what the size of the lot would be and how to access them. Ms. Fernandez stated that staff would need a letter from the City of Bixby on whether the subject lots could be served or not or DEQ approval on the water well and that it could serve the lots. Ms. Fernandez explained that it is the same when there is a septic system and need a perc test approval and the same when the City states that they can serve the lot with their sewer system, water, etc. In this case, however; staff is unsure of the water issue.

Mr. Walker asked Ms. Fernandez if she is saying that water and sewer service is a requirement of all lot-splits. Ms. Fernandez stated that it would have to have a sewer system of some type.



### **INTERESTED PARTIES COMMENTS:**

**Ron Shanks**, 15303 East 161<sup>st</sup> Street, Bixby, 74008, expressed issues with the lack of water pressure in the subject area and the lack of water in water wells in the subject area. Mr. Shanks submitted water reports (Exhibit A-3) from the Oklahoma Water Resources Board. Mr. Shanks indicated that he is on a three-inch private water line that a property owner personally installed years ago. Mr. Shanks expressed concerns with what will be developed on the subject property.

Mr. Liotta asked Mr. Shank if the applicant attempted to meet with the neighborhood. In response, Mr. Shank answered negatively.

**George Shafer**, P.O. Box 3002, Leonard, 74043, stated that he is the CEO and Founder of Eagle Mountain Ministry Ranch. Mr. Shafer expressed concerns of a small subdivision being built next to his ranch, which ministers to young children and young men. The purpose is to bring them to the Country and out of the City. Mr. Shafer expressed concerns with the water issues. Mr. Shafer stated that he is not opposed to development of a nice home, but he is concerned about what will actually be developed there. Mr. Shafer commented that the well that is on his property will not supply a home with enough water and during the summer his well was unable to irrigate the farm. Mr. Shafer expressed concerns that Mr. Kelly's well is within 200 feet of his well. Mr. Shafer concluded that is concerned for the dysfunctional families that are brought to the ranch because it would be affected if a subdivision was put out in that area.

### **Applicant's Rebuttal:**

Mr. Kelly stated that he doesn't know where the neighbors are getting their information, because there hasn't been any contact previously about intentions for the use of the subject property. Everything that they have offered has been speculative. Mr. Kelly stated that the water taps are on two-inch private lines that will tap into the six-inch line that is down the street. Mr. Kelly indicated that he wouldn't be tapping into the three-inch line that Mr. Shanks referred to. Mr. Kelly stated that the three-inch water line is already tapped out. Mr. Kelly disagreed with Mr. Shanks's water reports regarding the water well on the subject property. Mr. Kelly stated that if one drills deep enough there is plenty of water. Mr. Kelly further stated that he would still like to split the land.

Mr. Walker asked Ms. Fernandez if a continuance would be appropriate in order to allow the applicant to satisfy the water requirements for approval. Ms. Fernandez answered affirmatively. Mr. Walker asked Mr. Kelly if he would be opposed to a continuance. Mr. Kelly stated that he wouldn't be opposed if it is set out far enough that he can get time off from work. Mr. Kelly further stated that he would needs to know more specifically what is

needed. Mr. Kelly commented that he understood that he had four taps from the City of Bixby and perhaps they are not issuing any new ones, but that is something he will have to find out. Mr. Walker stated that staff can inform Mr. Kelly of exactly what they want in order to have a proper approval recommendation.

Mr. Kelly stated that February 4, 2015 would be a good date for his continuance.

Mr. Liotta stated that the first time this issue came to the Planning Commission it was deferred in order to give him an opportunity and suggested that he meet with his neighbors. Mr. Liotta asked Mr. Kelly if he has met with his neighbors and if there is a continuance will he take it for an opportunity to meet with them and describe what he is planning to do. Mr. Kelly stated that he sent an email out to everyone that was on the list, that he copied to Nikki White at INCOG and he only received a response from Mr. Shafer that was basically that he didn't want any new development next to his ministry ranch. Mr. Kelly stated that Ms. Morgan made an offer to purchase the subject property but they wanted it all and leaving him nothing and the offer wasn't sufficient. Mr. Kelly explained that the reason he wants to split the land is worth more split into lots rather than a large acreage. Mr. Kelly stated that the response he has received is that this is country living and that they do not want any new development. Mr. Kelly commented that when he posts a sign for sale it is stolen within 24 hours.

Mr. Dix stated that he is torn by this because he is kind of in the same situation on some property that he owns. Mr. Dix further stated that the difference is he is going by the rules exactly as they are laid out and he has met with his neighbors. Mr. Dix commented that one of his neighbors doesn't want to see houses and he offered to sell him the property. Mr. Dix stated that a person should be able to split their lots if they want to if they can meet the lot size and Bulk and Area requirements. Mr. Dix further stated that whether the new lots have water or not, in his mind, is irrelevant because that is a requirement of the permitting agency when they apply for a building permit. If someone wants to buy a lot or all three lots and not have access to water because they want to go out there and campout on the weekends; that is their right. Mr. Dix stated that he would be happy to support a continuance, but his mind says what are we talking about.

Mr. Walker stated that Ms. Fernandez is stating that the water issue is relevant. Mr. Dix stated that it is relevant if a permit is being issued, but in the lot-split itself he doesn't see it as being relevant if it meets the bulk and area requirements. Mr. Dix agreed that if someone applies for a permit to build on any of the lots it will have to have water and sewer approval. Mr.

Dix reiterated that this is his personal opinion and he is not part of staff. Mr. Dix stated that if he is simply splitting the lots in order to sell them then it doesn't involve a building permit or the use of utilities.

Ms. VanValkenburgh stated that Subdivision Regulations do talk about provision of water to lots and normally the Planning Commission doesn't have to deal with that because that is handled by Technical Advisory Committee and staff. Ms. VanValkenburgh stated that this originally came to the Planning Commission with a staff recommendation for approval; subsequently staff has learned additional information that warrants a revision in their recommendation. Ms. VanValkenburgh stated that this is a legitimate concern.

Ms. Fernandez stated that one of staff's charges is to make sure that when a lot-split is done it has a buildable lot so that the next guy that comes down the line doesn't buy it with the suspicion that he can get a permit and then finds out that the City allowed this to be split without water, without sewer, without the minimum protection to someone buying property or trying to build a home or business. Mr. Dix stated that this is not a rezoning from AG. Ms. Fernandez agreed. Mr. Dix stated that this is a lot-split. Ms. Fernandez stated that lot-splits are sent to the County Engineer every single time and to the Development Services staff every single time and their expertise is in storm drainage, access, water and sewer. Ms. Fernandez further stated that if the City or County doesn't provide these services there has to be proof of a perc test or show how it will be serviced. Ms. Fernandez stated that there are mini subdivisions and they need to have infrastructure to them, they need to be of a size that meets the compatibility of the zoning nearby or they need to rezone and that is what staff looks at.

Mr. Dix stated that to finalize his comments, he heavily agrees with Mr. Liotta in that he would be more in favor of this had the applicant met with the neighbors and at least listen to their opposition.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **CONTINUE** LS-20733 to February 4, 2015.

\* \* \* \* \*

25. **Stone Lake Phase III – Preliminary Plat**, Location: East of the southeast corner of East 136<sup>th</sup> Street North and North Yale Avenue, (County)

**STAFF RECOMMENDATION:**

This plat consists of 33 lots, 5 Blocks, on 29.68 acres.

The following issues were discussed December 18, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE (residential estate).
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Remove the note in the upper left regarding culverts.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Skiatook Fire Department must provide release letter.
8. **Other: GIS:** No comment.

**County Engineer:** All materials for infrastructure must meet County Engineer approval. Drainage plans must be submitted and approved by the County Engineer. Additional drainage easements are needed. Final plat should provide addresses for each lot.

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; 9 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **APPROVE** the preliminary plat for Stone Lake Phase III per staff recommendation.

\* \* \* \* \*

27. **Willsam Business Park – Preliminary Plat**, Location: North of the northwest corner of East 46<sup>th</sup> Street South and South Sheridan Road, (CD-5)

**STAFF RECOMMENDATION:**

This plat consists of three lots, one block, on 6.64 acres.

The following issues were discussed December 18, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned Planned Unit Development 823.
2. **Streets:** Provide references for right-of-way along Sheridan such as plat number or book/page number. Limit south access to width of driveway which is shown at 30 feet on conceptual plan. Maximum drive width per City of Tulsa standards is 36 feet. Remove extraneous mutual access easement notation from Richland subdivision, unless it is designated as a mutual access easement, in which case provide document number. Modify sidewalk language in covenants as there are no "abutting lots having access onto minor streets." Show sidewalk and access ramps on conceptual plan.
3. **Sewer:** Provide an 11-foot utility easement along the south and west boundary of Reserve A.

4. **Water:** Thirty feet of utility easement is acceptable on the south, west and north as a utility easement versus a ten-foot waterline easement adjacent to 17.5-foot utility easement or 20-foot utility easement. The Oklahoma Department of Environmental Quality horizontal separation of water lines from other utilities must be met in proposed utility easements. The conceptual plans must show the easements being vacated and water lines abandoned. Be advised that extreme caution should be taken by heavy loaded equipment over the 42 year old cast iron eight-inch water main line within this site development. Install fire hydrants and water service meters in green space areas inside a utility easement or waterline easement. Water mains under pavement are required to be ductile iron pipe. Provide four-foot cover under pavement. Confirm if the existing fire hydrant will be relocated.
5. **Storm Drainage:** Use standard language for Section I C, storm sewers were not included. Include a section for Reserve A – Stormwater detention easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be needed especially for PSO and AT&T.
7. **Other:** The width of the building lines must be equal to, or greater than the utility easements, since no buildings will be allowed to encroach into the easement area. **Fire:** No comment.
8. **GIS:** Correct location map. Show all monuments. Submit control data sheet.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Development Services and Engineering Services staffs must be taken care of to their satisfaction.



**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **APPROVE** the preliminary plat for Willsam Business Park per staff recommendation.

\* \* \* \* \*

28. **The Village at Tulsa – Preliminary Plat**, Location: North of East 81<sup>st</sup> Street South, West of South Garnett Road, (CD-7)

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 6.9 acres.

The following issues were discussed December 18, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned Planned Unit Development 666, CS (commercial shopping) and RM-O (residential multi-family) underlying.
2. **Streets:** From section G Limits of No Access in the covenants, replace "South Memorial Drive" with South Garnett Road, East 81<sup>st</sup> Street South and South 108<sup>th</sup> East Avenue. From Section J, Mutual Access Easement, remove "...and to and from any other public or private roadway or access easement adjacent to the subdivision..." Clarify statement about "the owners hereby establish and easement for purposes of maintenance of area of mutual access easement."
3. **Sewer:** Broken Arrow Development fees of \$700 per acre will be assessed for the platted area. A fee of 2.9% of the total Broken Arrow fees will be assessed to cover the City of Tulsa Administration fees. El Paso SSID 2841 E Excess Capacity Fees will be assessed at \$1,128,03/acre.
4. **Water:** On the plat label the right of way width at the southeast corner of South Garnett Road and East 81<sup>st</sup> Street South.

5. **Storm Drainage:** Use standard language for Section IC. And I F.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other:** The ten-foot building line located in the northwest corner of the plat, must be moved outside of the utility easement. East 79<sup>th</sup> Place South is miss-labeled as 76th Place. **Fire:** No comment.
8. **Other: GIS:** Correct location map. Show all monuments found/set both graphically and written. Correct legal description Change bearing direction on the 50 foot northerly jog off the section line to match legal. 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.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **APPROVE** the preliminary plat for The Village at Tulsa per staff recommendation.

\* \* \* \* \*

29. **Empire Fence – Minor Subdivision Plat**, Location: North of the northwest corner of Admiral Place and North Garnett Road, (CD-3)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on .0484 acres.

The following issues were discussed December 18, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS (commercial shopping).
2. **Streets:** Fifty feet of right of way is required from centerline of Garnett. Show existing and proposed right of way with reference such as plat number or book/page number or dedicated by this plat. South Limits of no access should be a minimum five feet. In the covenants include section on Limits of no access from Covenant Section 6, Sidewalks, delete "by Richard Richison or assigns".
3. **Sewer:** The proposed sanitary sewer mainline extension must be completed before the plat can be filed of record.
4. **Water:** No comment..
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Correct location map. Label South Mingo and South Garnett. Correct crossover of leaders. Show the distance from the point of commencement. Show the point of beginning. Show all monuments found/set both graphically and written. Submit subdivision data control sheet.

Staff recommends **APPROVAL** of the minor subdivision plat with the TAC recommendations and the special and standard conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Development Services and Engineering Services staffs must be taken care of to their satisfaction.

**Standard Conditions:**

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

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



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

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **APPROVE** the minor subdivision plat for Empire Fence per staff recommendation.

\* \* \* \* \*

30. **Arvest Brookside Branch – Minor Subdivision Plat**, Location: Northeast corner of South Peoria Avenue and East 41<sup>st</sup> Place South, (CD-9)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on .738 acres.

The following issues were discussed December 18, 2014, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned Planned Unit Development 802.
2. **Streets:** Fifty feet of right of way is required from the center line of Peoria. With dimension lines show existing and proposed right of way and provide reference such as plat number or book/page number or call out as “dedicated by this plat”. Fifteen feet of roadway easement should be called out as “15 feet of right of way dedicated by this plat”. Show existing and proposed right of way dedicated by this plat”. Show existing and proposed right of way along 41<sup>st</sup> Place. Total 50-foot right of way required. Additional four feet of right-of-way dedication is required and must be called out as “dedicated by this plat”. Twenty-five-foot corner radius is required at the intersection of 41<sup>st</sup> Place and Peoria. Minimum access width is 24 feet. Fifteen-foot access will not be allowed. One way access must be minimum 20 feet. “Access easement” should be called “Mutual access easement”. Define “ten-foot easement per plat”. Provide plat number. The north access easement leads to Limits of No Access at the property line. Include section on right of way dedication in covenants. Section I Limits of No Access in covenants should include reference to 41<sup>st</sup> Place in addition to Peoria. From Section J Sidewalks in covenants section, delete “...and along...Section II hereof.” Access easement to existing cell tower must meet Development Services staff approval.
3. **Sewer:** Additional easement required along the east, south and west boundary lines. The ten-foot building line to the east could also be the utility easement.
4. **Water:** Show on the plat existing right of way widths along Peoria Avenue and East 41<sup>st</sup> Place South of this development.
5. **Storm Drainage:** Remove Section IK. It is no longer used.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO has overhead lines that need to be accommodated. Additional easement for AT&T may be needed.

7. **Other: Fire:** No comment.
8. **Other: GIS:** Correct location map. Legal needs to be by metes and bounds with the point of commencement and point of beginning. Be consistent with the bearing direction so that it follows the plat boundary. Show all monuments graphically. Show size of project by total square feet, lots, blocks. Submit subdivision control data sheet.

Staff recommends **APPROVAL** of the minor subdivision plat with the TAC recommendations and the special and standard conditions listed below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Development Services and Engineering Services staffs must be taken care of to their satisfaction.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Mr. Shivel complimented the developer for the good job of design and it is a nice addition to the neighborhood.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **APPROVE** the minor subdivision plat for Arvest Brookside Branch per staff recommendation.

\* \* \* \* \*

31. **Z-7287 – City of Tulsa/Scott Vanloo**, Location: Northwest corner of East Pine Street and North 145<sup>th</sup> East Avenue, requesting rezoning from **AG/CH/IH to IH**, (CD-3) (Continued from 12/3/14 for new notice.)

**STAFF RECOMMENDATION:**

The site is owned by the City of Tulsa and will be used for mulching and green waste disposal. The City will also initiate land reclamation from the previous mining and manufacturing site by placing appropriate soil and street construction debris in low areas. The site will reshape the land anticipating a long term future industrial redevelopment. This site will satisfied the City needs for clean road construction disposal and green waste for several decades.

## DETAILED STAFF RECOMMENDATION:

Rezoning request to IH is consistent with the Employment land use designation and with the Area of Growth vision of the Tulsa Comprehensive Plan, and

The north boundary of the site is defined by the existing railroad. The rail system can provide additional transportation and industrial distribution options for future large scale industrial uses at this location. IH zoning will support a higher intensity of uses to take advantage of the existing infrastructure, and

IH zoning is consistent with the expected development pattern for the area, and

The requested rezoning is not injurious to surrounding properties, therefore

Staff recommends **APPROVAL** of Z-7287 to rezone property from AG/ CH/ IH to IH.

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This site is a large tract completely included in an Employment and Area of Growth and is consistent with the Comprehensive Plan. The expected evolution of this project includes a long term vision for restoration which would allow a heavier employment use than is planned by the City of Tulsa. The multimodal component of the transportation vision of the Comprehensive Plan will not be implemented for many years. The restoration and rezoning of this site will not provide any obstacles to that concept.*

*Subdivision regulations will require a plat or plat waiver request for this site. The street right of way will be dedicated during that process as recommended in the Major Street and Highway Plan.*

### Land Use Vision:

*Land Use Plan map designation: Employment*

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are

found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

*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:*

North 129<sup>th</sup> East Avenue is considered a secondary arterial with a multi modal overlay. The multimodal component of the plan is summarized in the Comprehensive Plan as follows:

Multi-modal streets emphasize 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.

Rail Considerations:

The north boundary of the site is abutted by an existing railroad. This site is large enough to support a rail spur similar to other large industrial uses north and east of this site.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: 1943 aerial photos of this site indicate limestone extraction uses. Additionally concrete pipe manufacturing has been part of this site. The site has some natural re-vegetation and uneven and unnatural terrain due to the manufacturing and mining process.*

Environmental Considerations: The site will require significant stormwater management controls through the evolution of this site. In many ways the City of Tulsa is more likely to provide water quality protection and dust control than surrounding private industry



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
<b>North 145<sup>th</sup> East Ave.</b>	<b>Primary Arterial</b>	<b>120 feet</b>	<b>2</b>
<b>East Pine St.</b>	<b>Secondary Arterial</b>	<b>100 feet</b>	<b>2</b>
<b>North 129<sup>th</sup> East Ave.</b>	<b>Secondary Arterial with Multimodal Overlay</b>	<b>100 feet</b>	<b>2</b>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by the City of Catoosa and is zoned with a variety of industrial and high intensity commercial uses; on the north by undeveloped property with, zoned AG; on the south by a variety of light industrial uses, zoned IL with a small parcel of AG; and on the west by a small strip of single family and industrial uses, zoned RS-3 and IL.

**SNIPPET OF RS-3 Zoned property at southwest corner of Z-7287:**

The north and east portion of the property abutting the southwest corner of the site is zoned RS-3 however the site is being used for industrial purposes. The comprehensive plan does not anticipate single family residential uses at this location. IH zoning will not adversely affect adjacent properties at this location.

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11811 dated June 26, 1970, established zoning for the subject property.

***Surrounding Property:***

**Z-7248 February 2014:** All concurred in approval of a request for rezoning a 3.5± acre tract of land from AG to IL for warehouse and shop on property located west of southwest corner East Pine Street and North 145<sup>th</sup> East Avenue.

**Z-7171 August 2011:** All concurred in approval of a request for rezoning a 10± acre tract of land from AG to IL for future industrial use, on property located north of northeast corner of East Pine Street and North 129<sup>th</sup> East Avenue.

**Z-7108 October 2008:** All concurred in approval of a request for rezoning a 10± acre tract of land from AG to IH for heavy industrial on property located north of northwest corner of East Pine Street and North 145<sup>th</sup> East Avenue

**Z-6885 April 2003:** All concurred in approval of a request for rezoning a .77± acre tract of land from RS-3 to IL for customizing autos, on property located on the northeast corner of East Pine Street and North 129<sup>th</sup> East Avenue.

**BOA-19161 August 14, 2001:** The Board of Adjustment **DENIED** a *Special Exception* to permit mining and quarry in an AG district, on property located at south of the southeast corner of E. Apache St. and N. 129<sup>th</sup> E. Ave. and just north of the subject property.

**Z-6388 February 1993:** All concurred in approval of a request for rezoning a 3± acre tract of land from AG to IL for a trucking company, on property located east of the southeast corner of East Pine Street and South 129<sup>th</sup> East Avenue.

**Z-6280 February 1990:** An application was filed requesting the rezoning a 19± acre tract from AG to IH for an asphalt batch plant, on property located east of the southeast corner of East Apache Street and North 129<sup>th</sup> East Avenue. Staff and TMAPC recommended denial of IH and recommended restricting the IM zoning to the westerly portion to protect the residential use on the northeast, and to recommend IL zoning on the east 300'. The City Commission concurred in approval per TMAPC and staff recommendation.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to recommend **APPROVAL** of the IH zoning for Z-7287 per staff recommendation.

**Legal Description for Z-7287:**

A tract of land located in Section Twenty-eight (28), Township Twenty (20) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: BEGINNING at the southeast corner of said Section 28; THENCE, S 88°37'39" W along the south line of said Section 28, a distance of 2644.58 feet to the South Quarter corner of said Section 28; THENCE, S 88°38'43" W along the south line of said Section 28, a distance of 1322.38 feet to the southwest corner of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of said Section 28; THENCE, N 01°13'11" W along the west line of said Southeast Quarter (SE/4) of the Southwest Quarter

(SW/4), a distance of 1319.70 feet to the northwest corner of said Southeast Quarter (SE/4) of the Southwest Quarter (SW/4); THENCE, S 88°39'45" W along the south line of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of said Section 28, a distance of 1323.05 feet to the southwest corner of said Northwest Quarter (NW/4) of Southwest Quarter (SW/4); THENCE, N 01°14'56" W along the west line of said Section 28, a distance of 1320.09 feet to the West Quarter corner of said Section 28; THENCE, N 01°15'04" W along the west line of said Section 28, a distance of 762.34 feet to the point on the southerly Right of Way of St. Louis & San Francisco Railway; THENCE, N 83°24'51" E along said southerly Right of Way of the St. Louis & San Francisco Railway, a distance of 5320.48 feet to a point on the east line of said Section 28; THENCE, S 01°07'47"E, a distance of 1250.62 feet to the East Quarter corner of said Section 28; THENCE, S 01°07'50" E along the East line of said Section 28, a distance of 1318.10 feet to the northeast corner of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of said Section 28; THENCE, S 88°39'13" W along the north line of the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4), a distance of 661.49 feet to the northwest corner of said Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4); THENCE, S 01°08'44" E along the west line of said Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4), a distance of 659.20 feet to the southwest corner of said Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4); THENCE, N 88°38'26" E along the South line of said Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4), a distance of 661.32 feet to the southeast corner of said Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4); THENCE, S 01°07'50" E along the east line of said Section 28, a distance of 659.05 feet to the POINT OF BEGINNING, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

32. **CZ-439 – Roy D. Johnsen**, Location: West of northwest corner of East 66<sup>th</sup> Street North and North 145<sup>th</sup> East Avenue, requesting rezoning from **RE to AG**, (County)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

The rezoning request is to change the site from RE to AG. AG supports the existing agricultural use that has been active on this 29 acre site for several generations. Possible quarry expansion from the existing quarry

east of the site is only possible through a County Board of Adjustment Special Exception approval when the site is zoned AG.

**DETAILED STAFF RECOMMENDATION:**

AG zoning request is consistent with the surrounding uses and the surrounding zoning designations and;

The request for AG zoning is consistent with the existing and historic uses on the property and;

The existing rock quarry approximately 600 feet east of the site may only be expanded west into this area with Board of Adjustment approval of a special exception. The comprehensive plan recognizes a large area east CA-439 as a potential industrial and regional employment area but that is not allowed without a PUD, future rezoning or Board of Adjustment action and;

This site is outside of the City of Owasso zoning jurisdiction, however; any zoning and land use decisions should respect the City of Owasso Comprehensive plan. Request for quarry operations in this area should include a reconsideration of the residential land use designation in the Owasso Comprehensive Plan and;

CA-439 requesting AG zoning is consistent with the Owasso Comprehensive plan therefore;

Staff recommends **APPROVAL** of CZ-439 to rezone property from RE to AG.

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This site is in the City of Owasso comprehensive plan area. The west portion of the property is in a single family residential land area designation and the east portion is in an industrial regional employment area. The City of Owasso Adopted Land Use Plan includes the following matrix as a guide for zoning decisions.*

*The property is included in the Residential (Single family detached housing land use designation which supports the AG zoning request.*

Land Use Vision: “GrOwasso 2030 Land Use Master Plan”

*Land Use Plan map designation:* Residential (Single-Family detached housing)

Transportation Vision:

*Major Street and Highway Plan:*

66<sup>th</sup> street north does not continue east except into an existing quarry approximately 600 feet from the east boundary of the requested zoning. North 145<sup>th</sup> East Avenue does not continue north at this location. The designation for both streets is a secondary arterial street with no multi modal considerations.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* Just north of this site is an existing floodplain boundary that will limit future residential development. The existing site has very little topographic relief and almost no vegetation except grasses. The existing site is also being used as a residential property with some large barns that have been used for agricultural uses.

Environmental Considerations: None that will affect AG zoning uses.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 66 <sup>th</sup> Street North	Secondary Arterial	100 feet	2
North 145 <sup>th</sup> East Avenue	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water available. Sanitary Sewer is not available except through septic systems.

Surrounding Properties: The subject tract is abutted and surrounded on all directions by AG zoning.

### **SECTION III: Relevant Zoning History**

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

#### ***Subject Property:***

**CZ-87 September 1983:** A request was made to rezone 29± acres from AG to RMH, located east of the northeast corner of E. 66<sup>th</sup> Street North and North 129<sup>th</sup> East Avenue, also known as the subject property. Staff, TMAPC, and County Commission denied RMH and approved RE.

#### ***Surrounding Property:***

**CZ-123 November 1984:** A request to rezone a 40± acre tract from RMH to RE located east of the northeast corner of East 66<sup>th</sup> Street and North 129<sup>th</sup> East Avenue,. Staff recommended approval of RE, TMAPC recommended denial of the request. The County Commission approved RE zoning.

Mr. Wilkerson stated that he knows that the City of Owasso doesn't want the quarry to expand.

#### **Applicant's Comments:**

**Roy Johnsen**, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, cited the history of the zoning for the subject property to RE. He explained that his client purchased the subject property after the RE zoning. Mr. Johnsen stated that his client has approximately 100 acres and several members of the family live there and have livestock. Mr. Johnsen further stated that when there was discussion of the quarry he thought it would be fair to put that in the staff recommendation and that it would have to go through the Board of Adjustment for approval. This does not determine if that is going to be approved or denied. There is a large quarry to the east of the subject property and the property that they are talking about is west of 145<sup>th</sup>. There is 90 acres of property and what they would seek, if there was to be a quarry, is approximately 45 acres in the middle of the property that they own. Mr. Johnsen stated that whether the quarry is applied for or not, his client is entitled to the AG zoning because it is the prevalent zoning in the subject area and that is what this family does. The family wants the AG zoning whether the quarry can happen or not. Mr. Johnsen stated that the question of a quarry should not be used as a reason to deny the AG zoning request, because it is unknown if the quarry will be applied for and it would be the County Board of Adjustments decision to make that determination if the application is ever filed.900

### **INTERESTED PARTIES COMMENTS:**

**Bronce Stephenson**, Director of Community Development, 111 North Main St., Owasso 74055, thanked the staff for keeping him aware of what is happening within the Owasso fence line. He stated that the City of Owasso opposes the rezoning of the subject property to AG. The Comprehensive Plan shows future residential zoning and he fears that this is the steps to expand the quarry. Mr. Stephenson stated that there are a number of issues that come from living next to quarry.

### **TMAPC COMMENTS:**

Mr. Dix asked Mr. Stephenson how the City of Owasso feels about the possibility of annexing the subject property. Mr. Stephenson stated that the City of Owasso would be in favor of annexing. The agricultural uses that are currently on the subject property would be allowed in the residential estate zoning and there would be no zoning change needed on the property.

Mr. Dix asked Mr. Stephenson if there is a movement by the City of Owasso to initiate that annexation. Mr. Stephenson stated that he actually found out about this yesterday and in a perfect world the City of Owasso would like to annex everything within the fence line. Mr. Dix stated that he will keep asking this question, is there a movement by the City of Owasso to initiate an annexation in this subject area. Mr. Stephenson stated that currently there is not.

Ms. Millikin pointed out that expansion of the quarry would require Board of Adjustment approval and why doesn't that give the City of Owasso some comfort. Mr. Stephenson stated that the applicant's representative pretty much indicated that this is being done for future quarry expansion. Opening the subject property up to AG zoning doesn't change anything happening on the subject property and doesn't allow them new or additional rights, nor does it take away from the activities that are already allowed. There is no reason for rezoning to AG except for future uses that would be detrimental to the City of Owasso. Ms. Millikin stated that she thought she heard the applicant say that this was a family and they had cattle and horses. Mr. Stephenson stated that perhaps he is reading between the lines a little bit more.

Mr. Liotta stated that he understands playing defense and stretching out as far as possible to protect oneself. It is perfectly legitimate for the City of Owasso to try and protect their interest, even if it is a little far out. Mr. Liotta commented that looking at the aerial view of the subject area, the subject area is 600 feet from an active quarry and he doesn't see a realistic possibility that a neighborhood would ever be put in there until the quarry is shut down and reclaimed. Mr. Stephenson stated that the City of Owasso has begun negotiations with the quarry on the east side to turn it

into a clear water lake. Mr. Stephenson further stated that the area to the northwest is single-family and actually higher density than single-family residential.

Mr. Covey stated that there is a big difference between having a residential subdivision to the east of the property versus it abutting it. The City of Owasso land use map shows residential going right up to the quarry and on farther. In response to Mr. Covey, Mr. Stephenson stated that by allowing the quarry to expand to the west and extend its life another 20 or 30 years would impact the future plans for the subject area. Mr. Covey asked Mr. Stephenson as it stands now what is the life expectancy of the existing quarry. Mr. Stephenson stated that it may be 20 years from today. Mr. Covey asked if there is a written document with the quarry to not expand. Mr. Stephenson stated that he just got word of this yesterday and have been scrambling trying to find everything possible. At this point it is more hearsay. Mr. Covey stated that he thought he heard Mr. Stephenson state that the quarry had agreed with the City of Owasso not to expand the quarry. Mr. Stephenson stated that there may be something in writing or may be there has been meetings over the years and they had verbally agreed not to expand.

Mr. Dix asked how close the Stone Canyon is to the subject area to the east. Mr. Stephenson demonstrated on the map the location of the Stone Canyon Lake and where the quarry lake would begin, which would be a 20 to 50 year plan if it were to ever be fully utilized as a clear water lake.

**Applicant's Rebuttal:**

Mr. Johnsen stated that he is not aware of any agreement, but he is not saying that it hasn't been done. Mr. Johnsen explained how quarries are important to communities and their development. Mr. Johnsen stated that in this instance he believes that what is before the Planning Commission is property that was zoned RE by the previous owner and his client purchased the 29 acres and now they have 100 acres total and would like to have it back to AG. Mr. Johnsen commented that there hasn't been any development of single-family homes in the subject area, but it has been zoned for several years. There are problems with separation by distance and by floodplain. Mr. Johnsen stated that this is a very legitimate case to rezone to AG for the existing uses.

Mr. Carnes stated that on page 32.6 of the agenda packet it shows the subject property being surrounded by AG and the land owner has the right to go back to AG.



**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the AG zoning for CZ-439 per staff recommendation.

**Legal Description for CZ-439:**

A tract of land in the Southeast Quarter (SE/4) of Section 33, Township 21 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point 660 feet West of the Southeast corner of Section 33, Township 21 North, Range 14 East; thence West 642 feet; thence North 1980 feet; thence East 642 feet, thence South 1980 feet to the point of beginning, Tulsa County, State of Oklahoma.

\* \* \* \* \*

Mr. Wilkerson stated that he would be presenting Z-7291 and PUD-470-A together.

- 33. **Z-7291 – Roy D. Johnsen**, Location: Northeast corner of East 68<sup>th</sup> Street and South Memorial Drive, requesting a rezoning from **AG/OM/CS/PUD-470 to CS/PUD-470**, (CD-7) (Related to PUD-470-A)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

The applicant has submitted this rezoning request to support redevelopment of development area A of PUD 470 for commercial uses. The request will also rezone the AG zoning that remains in the South Memorial Drive right of way and change the OM zoning within the boundary of PUD 470-A to CS.

**DETAILED STAFF RECOMMENDATION:**

CS zoning in conjunction with PUD 470-A is consistent with the existing character of the surrounding PUD and;

The anticipated redevelopment allowed in CS districts is complementary with the existing development surrounding the property and;

CS zoning PUD 470-A is consistent with the Regional Center land use designation of the Tulsa Comprehensive Plan therefore;

Staff recommends **APPROVAL** of Z-7291 to rezone property from AG/OM/CS to CS.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: CS zoning will support additional commercial redevelopment floor area that was not part of the original PUD overlay. The additional uses defined in the PUD are compatible with the Regional Center vision. ~~Use Unit 12a is not appropriate at this location and is prohibited in the accompanying PUD.~~*

#### Land Use Vision:

*Land Use Plan map designation:* Regional Center

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

*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:*

South Memorial Drive is 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

East 68<sup>th</sup> Street is not on the 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 bank site will be demolished and redeveloped with three parcels.*

Environmental Considerations:

The majority of the tract is developed and covered by an existing bank building and off-street parking. Underlying soils consist of Dennis slit loam, 3 to 5 percent slopes. The subject tract is not located within a FEMA floodplain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Drive	Primary Arterial	120 feet	6+
East 68 <sup>th</sup> Street South	NA	50	4+

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by Wal-Mart Super Center, zoned PUD 309-A; on the north by a restaurant, zoned PUD 470; on the south by a large commercial area surrounding Woodland Hills Mall, zoned CS; and on the west by a large commercial area, zoned PUD-379, 379-A, 379-B and 379-C.

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 17585 dated September 24, 1991, established zoning for the subject property.

***Subject Property:***

**Z-6320/PUD-470 June 1991:** A request to rezone a tract approximately 4.85 acres in size and located on the southeast corner of East 66<sup>th</sup> Street South and South Memorial Drive, from AG and OM to CS/PUD for commercial uses. All concurred in approval of CS zoning on the East 32' of the south 605' of Lot 1, Block 3, to align with the CS zoning to the east. The balance of the tract remained zoned OM and approved the PUD for 9,500 square feet of commercial use.

***Surrounding Property:***

**PUD-309-A-1 June 18, 2014:** A proposed PUD Minor Amendment for on property located east of the southeast corner of E. 66<sup>th</sup> St. and S. Memorial Dr. and abutting the east boundary of the subject property. PUD-309-A-1 was approved at the Planning Commission however the attorney representing ownership of PUD-470-A appealed the decision. During the research for the appeal it was determined that the applicant for PUD 309-A-1 did not accurately represent the as built condition of the existing Wal-Mart site development. The minor amendment for PUD 309-A-1 cannot be used until the as built condition of the site is corrected or until PUD 309-A is amended.

**PUD-309-A October 2004:** All concurred in approval of a proposed Major Amendment to PUD on an 18± acre tract of land for on property located east of the southeast corner of E. 66<sup>th</sup> St. and S. Memorial Dr. and abutting west of subject property.

**Z-7029 September 2006:** All concurred in approval of a request for rezoning a .55± acre tract of land from AG/OL to CS for restaurant and retail uses on property located on north of the northeast corner of South Memorial Drive and East 71<sup>st</sup> Street South.

**Z-5790/PUD-309 January 1983:** A request to rezone that portion of the subject tract that is within PUD-309 was filed in January 1983. A request to rezone the property from OM to CS with a PUD for the purpose of retail shopping and a cinema theatre was submitted. CS zoning was approved for the tract except the north 300' which remained OM; the PUD was approved subject to conditions.

**Z-4048/PUD-112 January 1972:** All concurred in approval of the original Planned Unit Development and rezoning of 202 acres, from AG to RM-1, OM and RS-3 for multifamily, townhouse, and single-family development, with approval of church use within the RS-3-designated development area. No commercial uses were allowed except the customary laundry and vending machines that would serve the multifamily uses.

**RELATED ITEM:**

34. **PUD-470-A - Roy D. Johnsen,** Location: Northeast corner of East 68<sup>th</sup> Street and South Memorial Drive, requesting a **PUD Major Amendment** to permit commercial uses and establish new development standards, **AG/OM/CS/PUD-470 to CS/PUD-470-A,** (CD-7) (Related to Z-7291)

**STAFF RECOMMENDATION:**

**DEVELOPMENT HISTORY**

PUD 470 and companion rezoning application Z-6320 permitted a 6.23 acre gross (4.85 net development located at the northeast corner of East 68<sup>th</sup> Street South and South Memorial Avenue and was approved in 1991. The PUD created two development areas permitting office uses in Development Area "A" (existing bank) and Use Unit 12 uses (excluding certain uses) in Development Area "B". Development standards such as minimum setbacks, maximum floor areas and off-street parking standards were established in the PUD.

During the approval process of the companion rezoning request, the application was modified to permit only that amount of CS (Commercial Shopping) to permit a restaurant containing 9,500 square feet.

In a subsequent plat waiver application (approved on July 10, 1991), the platting requirement was waived subject to conditions including the PUD conditions being filed of record by separate instrument (Book 5344 Page 2409).

**DEVELOPMENT CONCEPT:**

It is now the desire of the development team to amend the Development Area "A" of the PUD to permit commercial uses. The Major Amendment will also establish new development standards for Development Area "A" while maintaining the current standards for Development Area "B". A companion rezoning application for Commercial Shopping (CS) will be processed along with the PUD Major Amendment. The proposed rezoning which is consistent with the Tulsa Comprehensive Plan will 'clean up' the current zoning pattern which includes Agriculture (AG) zoning in the Memorial Drive right-of-way from when Woodland Hills Mall was developed.

If approved, a plat waiver will be requested since the property is already platted and all necessary easements appear to be in place to facilitate the redevelopment.

**PUD-470-A DEVELOPMENT STANDARDS:**

<b>Gross Land Area:</b>	196,371 SF	4.508 acres
<b>Net Land Area:</b>	151,442 SF	3.477 acres

**Permitted Uses:**

Those uses permitted by right and exception within the Commercial Shopping (CS) District, excluding sexually-oriented business as defined by the City of Tulsa Zoning Code.

<b>Maximum Permitted Floor Area (Total):</b>	50,000 SF
<b>Minimum Lot Width (South Memorial Drive):</b>	50 FT
<b>Minimum Lot Area:</b>	14,000 SF
<b>Maximum Building Height:</b>	35 FT
<b>Minimum Off-Street Parking:</b>	As set forth by applicable use *

\*Cross access and parking shall be permitted for all lots within PUD-470-A. The remainder of PUD 470 will also be allowed through a cross parking and access through PUD-470-A.

**Minimum Building Setbacks:**

From South Memorial Drive Right-of-Way:	25 FT
From East Property Line:	25 FT
From North Development Area Line:	25 FT
From East 68 <sup>th</sup> Street Right-of-Way:	15 FT

**Landscape Standards:** Within the street yard, trees will be installed and maintained in the landscape edge between the parking and street right-of-way with a maximum spacing of 30 feet except at driveway connections to South Memorial Drive or East 68<sup>th</sup> Street South.

In addition to the street yard trees defined above All landscaping will meet or exceed the standards defined in the Landscape Chapter of the Tulsa Zoning Code and will include a 10% minimum landscape area outside the street yard and 15% minimum landscape area in the street yard.

**Signage:**

Signs shall be installed in accordance with the City of Tulsa Zoning Code

**Parking Lighting:**

Exterior lighting shall be in conformance with the Tulsa Zoning Code except that light poles shall be limited to sixteen (16 feet) in height, and shall be pointed down and away from the boundary of PUD 470-A

**Trash Enclosures:**

All trash enclosures shall be gated and screen in order to prohibit loose trash from leaving the enclosed area. Any loose trash shall be collected immediately by the lot owner and placed in the proper trash receptacle.

**VEHICULAR ACCESS AND CIRCULATION:**

Primary access to the site is from East 68<sup>th</sup> Street South. Additionally, access is available from East 66<sup>th</sup> Street South via a mutual access agreement (Book 5344 Page 2417) through the existing commercial tract (Development Area "A"). No access exists at this time from South Memorial Drive.

**PEDESTRIAN ACCESS:**

Sidewalk Construction will be required in the street right of way adjacent to the entire west and south boundary of PUD 470-A on South Memorial Drive and East 68<sup>th</sup> Street South. North of this site is a restaurant that was constructed prior to the implementation of the sidewalk construction policy. Future redevelopment of that site will require sidewalk construction further north.

**PLATTING REQUIREMENT:**

Upon approval of a plat waiver by the Tulsa Metropolitan Area Planning Commission, development standards associated with PUD 470-A shall be filed of record by separate instrument in the office of the Tulsa County Clerk.

**EXPECTED SCHEDULE OF DEVELOPMENT:**

Construction is anticipated as the market conditions will support however the demolition and first building construction is anticipated in 2015.

**DETAILED STAFF RECOMMENDATION:**

PUD 470-A is consistent with the PUD chapter of the Tulsa Zoning Code and;

The anticipated redevelopment allowed in CS districts is complementary with the existing development surrounding the property and;

PUD 470-A will allow a future continuity of function and design within the development and;

PUD 470-A is consistent with the Regional Center land use designation of the Tulsa Comprehensive Plan therefore;

Staff recommends **APPROVAL** of PUD-470-A as outlined in Section I above.

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: PUD 470-A will allow commercial redevelopment that was not part of the original PUD. The additional uses are compatible with the Regional Center vision and the all of PUD 470 and 470-A will share parking and access.*

Land Use Vision:

*Land Use Plan map designation: Regional Center*

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

*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:*

South Memorial Drive is 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.

East 68<sup>th</sup> Street is not on the 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 bank site will be demolished and redeveloped with three commercial.*

**Environmental Considerations:**

The majority of the tract is developed and covered by an existing bank building and off-street parking. Underlying soils consist of Dennis slit loam, 3 to 5 percent slopes. The subject tract is not located within a FEMA floodplain.

**Streets:**

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Drive	Primary Arterial	120 feet	6+
East 68 <sup>th</sup> Street South	NA	50	4+

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:** The subject tract is abutted on the east by Wal-Mart Super Center, zoned PUD 309-A; on the north by a restaurant, zoned PUD 470; on the south by a large commercial area surrounding Woodland Hills Mall, zoned CS; and on the west by a large commercial area, zoned PUD-379, 379-A, 379-B and 379-C.

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 17585 dated September 24, 1991, established zoning for the subject property.

***Subject Property:***

**Z-6320/PUD-470 June 1991:** A request to rezone a tract approximately 4.85 acres in size and located on the southeast corner of East 66<sup>th</sup> Street South and South Memorial Drive, from AG and OM to CS/PUD for commercial uses. All concurred in approval of CS zoning on the East 32' of the south 605' of Lot 1, Block 3, to align with the CS zoning to the

east. The balance of the tract remained zoned OM and approved the PUD for 9,500 square feet of commercial use.

***Surrounding Property:***

**PUD-309-A-1 June 18, 2014:** A proposed PUD Minor Amendment for on property located east of the southeast corner of E. 66<sup>th</sup> St. and S. Memorial Dr. and abutting the east boundary of the subject property. PUD-309-A-1 was approved at the Planning Commission however the attorney representing ownership of PUD-470-A appealed the decision. During the research for the appeal it was determined that the applicant for PUD 309-A-1 did not accurately represent the as built condition of the existing Wal-Mart site development. The minor amendment for PUD 309-A-1 cannot be used until the as built condition of the site is corrected or until PUD 309-A is amended.

**PUD-309-A October 2004:** All concurred in approval of a proposed Major Amendment to PUD on an 18± acre tract of land for on property located east of the southeast corner of E. 66<sup>th</sup> St. and S. Memorial Dr. and abutting west of subject property.

**Z-7029 September 2006:** All concurred in approval of a request for rezoning a .55± acre tract of land from AG/OL to CS for restaurant and retail uses on property located on north of the northeast corner of South Memorial Drive and East 71<sup>st</sup> Street South.

**Z-5790/PUD-309 January 1983:** A request to rezone that portion of the subject tract that is within PUD-309 was filed in January 1983. A request to rezone the property from OM to CS with a PUD for the purpose of retail shopping and a cinema theatre was submitted. CS zoning was approved for the tract except the north 300' which remained OM; the PUD was approved subject to conditions.

**Z-4048/PUD-112 January 1972:** All concurred in approval of the original Planned Unit Development and rezoning of 202 acres, from AG to RM-1, OM and RS-3 for multifamily, townhouse, and single-family development, with approval of church use within the RS-3-designated development area. No commercial uses were allowed except the customary laundry and vending machines that would serve the multifamily uses.

Mr. Wilkerson clarified that he is stating in his staff recommendation that sexually oriented businesses are not appropriate for the subject location.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to recommend **APPROVAL** of the CS zoning for Z-7291 per staff recommendation.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to recommend **APPROVAL** of the major amendment for PUD-470-A per staff recommendation.

**Legal Description for Z-7291/PUD-470-A:**

LT 1 LESS N200 THEREOF BLK 3, WOODLAND HILLS MALL, City of Tulsa, Tulsa County, State of Oklahoma.

\* \* \* \* \*

35. **PUD-410-B-1 – Sisemore Weisz & Assoc./Mark Capron**, Location: Southeast corner of South Yale Avenue and East 36<sup>th</sup> Street South, requesting a **PUD Minor Amendment** to modify the lighting requirements, **RS-2/RM-1/RD/PUD-410-B**, (CD-5) (Continued from 12/3/14 & 12/17/14)

**STAFF RECOMMENDATION:**

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

The Development Standards currently state: "No light standard shall be located within the east and south 70 ft of the site. No light standard, including building mounted, shall exceed 20 ft in height."

The applicant is requesting the Development Standards to be modified so that the location limitation of 70 ft within the east and south of the site be reduced to 20 ft and the limitation of 20 ft in height for all lighting be increased to 25 ft.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.9 PUD Section of the City of Tulsa Zoning Code.*

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

Staff has reviewed the request and determined:

- 1) 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-410-B shall remain in effect.

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

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff’s recommendation.**

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker “aye”; no “nays”; none “abstaining”; Reeds, Stirling “absent”) to **APPROVE** the minor amendment for PUD-410-B-1 per staff recommendation.

\* \* \* \* \*

- 36. **PUD-659-5 – Jeffrey D. Lower**, Location: West of the southwest corner of South Utica Avenue and East 31<sup>st</sup> Street South, requesting a **PUD Minor Amendment** to eliminate the condition to have a turnaround on the west and east drive of Lot 7, **RS-3/PUD-659**, (CD-9) (Continued from 11/19/14, 12/3/14 & 12/17/14)

**WITHDRAWN BY APPLICANT.**

\* \* \* \* \*

**OTHER BUSINESS**

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

\* \* \* \* \*

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **ADJOURN** TMAPC meeting 2689.


**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:11 p.m.

Date Approved:

02-04-2015

  
Chairman

ATTEST:   
Secretary