

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2710

Wednesday, November 18, 2015, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Carnes	Reeds	Fernandez	VanValkenburgh, Legal
Covey		Hoyt	Southern, COT
Dix		Miller	
Fretz		Moye	
Midget		Sparger	
Millikin		White	
Shivel		Wilkerson	
Stirling			
Walker			
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, November 12, 2015 at 2:30 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Director's Report:

Ms. Miller reported on the City Council agenda and the Board of County Commissioner's agenda.

Ms. Miller reported the status of the Subdivision Regulations updates. Ms. Miller indicated that the Subdivision Regulations update will take approximately nine months.

Mr. Covey asked Ms. Miller what the timeframe is on the follow-up amendments for the New Zoning Code. Ms. Miller stated that there needs to be a discussion about priorities on the list of follow-up amendments.

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1. **Minutes:**

Approval of the minutes of October 21, 2015 Meeting No. 2708

On **MOTION** of **DIX** the TMAPC voted 10-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis “aye”; no “nays”; none “abstaining”; Reeds “absent”) to **APPROVE** the minutes of the meeting of October 21, 2015, Meeting No. 2708.

2. **Minutes:**

Approval of the minutes of November 4, 2015 Meeting No. 2709

On **MOTION** of **CARNES**, the TMAPC voted 10-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis “aye”; no “nays”; none “abstaining”; Reeds “absent”) to **APPROVE** the minutes of the meeting of November 4, 2015, Meeting No. 2709.

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CONSENT AGENDA

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

3. **LS-20824** (Lot-Split) (CD 2) – Location: Southwest corner of East 72nd Street South and South Evanston Ave (Related to LS-20825, LC-721, LC-722)
4. **LS-20825** (Lot-Split) (CD 2) – Location: West of the southwest corner of East 72nd Street South and South Evanston Avenue (Related to: LS-20824, LC-721, LC-722)
5. **LC-721** (Lot-Combination) (CD 2) – Location: Southwest corner of East 72nd Street South and South Evanston Ave (Related to LS-20824, LS-20825, LC-722)
6. **LC-722** (Lot-Combination) (CD 2) – Location: South of the southwest corner of East 72nd Street South and South Evanston Ave (Related to LS-20824, LS-20825, LC-721)
7. **LS-20826** (Lot-Split) (County) – Location: South of the southwest corner of West 18th Street South and South 155th West Avenue
8. **LC-723** (Lot-Combination) (CD 7) – Location: Northwest corner of East 51st Street South and South Mingo Road
9. **LS-20828** (Lot-Split) (CD 2) – Location: South and East of the southeast corner of East 71st Street South and South Quincy Avenue

10. **103 Memorial Center – Final Plat**, Location: South of the southwest corner of 101st Street South and South Memorial Drive, (CD 8)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 7.38 acres.

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

11. **AEP Transmission Services Center – Final Plat**, Location: South of the southeast corner of East Archer Street and South 145th East Avenue, (CD 6)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 70 acres.

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

12. **PUD-542-8 – John Sanford Architect**, Location: West of the northwest corner of East 86th Street South and South Sheridan Road, requesting a PUD Minor Amendment to reduce front yard setback from 35 feet to 30 feet, **RS-1/PUD-542**, (CD 8)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD to reduce the front yard setback from 35 ft to 30 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-542 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the front yard setback from 35 ft to 30 ft.

13. **PUD-820-2 – Eller & Detrich/Lou Reynolds**, Location: South and east of southeast corner of South Memorial Drive and East Admiral Place, Requesting a PUD Minor Amendment to modify the building height requirements, **CH/PUD-820**, (CD 3)

STAFF RECOMMENDATION:

Amendment Request: To modify the Development Standards for maximum building height.

The applicant proposes to modify the height standards as outlined in Exhibit B and has included a provision that the height standards listed for the building side walls not apply to the loading dock area and with respect to the south and north walls of the building, that portion of the building between the roof plate of the south and north building wall and the peak of the roof.

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-820 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to modify the Development Standards for maximum building height.

14. **PUD-168-A – Eller & Detrich/Lou Reynolds**, Location: South of the southeast corner of South Harvard Avenue and East 81st Street South, requesting a PUD Detailed Site Plan for a new car care center, **RS-2/OL/CS/PUD-168-A**, (CD 8)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on an 8.99 Acre site in a Planned Unit Development for a new car care center to be located in an existing one story building.

PERMITTED USES:

Uses as permitted as a matter of right within the CS district with the exception of those uses permitted in Use Units 16, 18 and 20. Use Unit 17 with repair work limited to cars and light trucks. The car care center proposed for this project is allowed by right.

DIMENSIONAL REQUIREMENTS:

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

ARCHITECTURAL GUIDELINES:

The new building meets all applicable architectural guidelines in the Planned Unit Development.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

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

LIGHTING:

Site lighting plans not provided. Wall mounted lighting is prohibited on the south side of the area where Use Unit 17 is allowed. Any ground lighting will be pointed down and away from the residential area south of East 83rd Street South and is limited to 16 ft in height.

SIGNAGE:

The site plan does not illustrate signage. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process. Wall mounted business signs are not permitted on the south face of the building.

SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Planned Unit Development 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:

Sidewalks are shown along South Harvard Avenue and a portion of East 83rd Street South. The plan displays pedestrian paths adjacent to the proposed building.

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 **PUD-168-A**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new car care facility.

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

15. **AC-137 – MS Consultants, Inc.**, Location: South of the southeast corner of East Admiral Place and South 145th East Avenue, requesting a Alternative Compliance Landscape Plan to irrigate trees in the street yard by means of slow release water bags in lieu of a permanent underground irrigation system, IL (CD 6)

STAFF RECOMMENDATION:

SECTION I:

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for a property located south of the Southeast Corner of East Admiral Place and South 145th East Avenue.

The landscape plan submitted does not meet the technical requirements of the Chapter 10 of the code for the following reasons:

- 1) An underground irrigation system is not provided as required per section 1002.D.2.

The applicant has stated the number of trees provided in the street yard will exceed the amount required by the Zoning Code and that. Also, other than the street yard irrigation and landscaping around the gated and fenced parking areas, all site landscaping will meet the requirements of the Zoning Code.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “be equivalent or better than” the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-137.

16. **PUD-742 – Wallace Engineering/Jim Beach**, Location: South of the southeast corner of South Elwood Avenue and West 71st Street South, requesting a PUD Detailed Site Plan for a new school, **OL/PUD-742-A**, (CD 2)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a 24.86 Acre site in a Planned Unit Development for a school, including one, three story building.

PERMITTED USES:

Uses permitted as a matter of right in Use Unit 1, Area-Wide Uses by Right; Use Unit 5, Community Services & Similar Uses, limited to schools offering a compulsory education curriculum; Use Unit 21, Business Signs and Outdoor Advertising Signs, limited to Ground Signs identifying the Project, Wall Signs and Directional Signs; and Uses customarily accessory to the Permitted Uses. The school proposed for this project is allowed by right.

DIMENSIONAL REQUIREMENTS:

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

ARCHITECTURAL GUIDELINES:

The new building meets all applicable architectural guidelines in the Planned Unit Development.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

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

LIGHTING:

Site lighting plans provided. Within fifty feet (50 FT) of the boundary of the PUD, no light standard or building-mounted light shall exceed sixteen feet (16 FT) in height. Greater than fifty feet (50 FT) from the PUD boundary, no light standard or building-mounted light shall exceed thirty feet (30 FT) in height. All light standards shall be hooded and directed downward and away from the boundary of the PUD. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons standing at ground level along the boundary of adjacent properties.

SIGNAGE:

The site plan does not illustrate signage. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process. Wall mounted business signs are not permitted on the south face of the building.

SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Planned Unit Development 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:

Sidewalks are shown along South Elwood Avenue. The plan displays pedestrian paths adjacent to the proposed building and parking areas.

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 **PUD-742-A**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

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

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to **APPROVE** Items 3 through 16 per staff recommendation.

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

Mr. Covey stated that there are a number of continuances:

- 18. **Cadent Park –** Minor Subdivision Plat, Location: West of the northwest corner of East 91st Street South and South Yale Avenue, (CD 8) (Continued from October 7, 21, 2015 and November 4, 2015 meetings.) **(Staff requests a continuance to December 2, 2015)**

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to **CONTINUE** the minor subdivision plat for Cadent Park to December 2, 2015.

- 26. **CVS-ERWII –** Minor Subdivision Plat, Location: Northeast corner of South Utica Avenue and East 15th Street, (CD 4) **(Staff requests a continuance to January 6, 2016.)**

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to **CONTINUE** the minor subdivision for CVS-ERWII to January 6, 2016.

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Mr. Covey stated that he will hear comments regarding a continuance.

- 25. PUD-437-A – Donn E. Fizer**, Location: Northeast corner of East 15th Street and South Utica Avenue, requesting a PUD Major Amendment to modify boundary for Development Area A and B, establish new uses and modify bulk and area requirements for each development area, **PK/OL/CS/CH/PUD-437 to PK/OL/CS/CH/PUD-437-A**, (CD 4)

Applicant's Comments:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, 74114, stated that he believes that most of the neighbors are in support of the continuance that Ms. Meier requested. Mr. Reynolds further stated that Ms. Meier has requested a continuance to December 16, 2015 and that is too long for the applicant and if the Planning Commission is inclined to grant a continuance then he would request that it be no later than December 2, 2015.

Mr. Covey asked Mr. Reynolds if he is in favor of the continuance. Mr. Reynolds stated that he is not in favor, but if the Planning Commission is inclined to continue it then he would prefer December 2, 2015.

Interested Parties Comments:

Terry Meier, 1760 East 14th Place, 74104, stated that she lives one block from the subject property. Ms. Meier further stated that Mr. Reynolds met with the neighbors Monday, November 16, 2015 and presented an entirely new version of the project and that information is not available on the TMAPC website and 20 minutes before she left for this meeting she was sent a copy of it by a TMAPC member and it is not on the website. The new proposal radically changes the position of the subject building. Ms. Meier requested the December 16, 2015 meeting. Ms. Meier stated that developers are afforded a great deal of time to work with the TMAPC to get their projects put forward and in compliance with the regulations. Ms. Meier further stated that when the signs go up in the neighborhood a lot of people do not know what they means and so for the neighborhoods it takes time to get the information to people and to organize people to determine if this is good or not.

Mr. Midget stated that he understands that Ms. Meier stated that Mr. Reynolds did meet with the neighborhood and presented a different plan and they need time to determine the ramifications. Ms. Meier answered affirmatively.

Don Siivold, 1712 East 14th Street, 74104, stated that he doesn't want the case continued, but the most he would like to see is December 2, 2015.

Don Barnum, 1910 East 13th Street, 74104, Terrace Drive, in support of a continuance to December 16, 2015 at the earliest or after the first of the year would be better.

C.J. McMahan & Bill McMahan, 1720 East 14th Place, 74104, stated that she lives less than one property from the subject property. She requested a continuance to December 16, 2015.

Linda Munmey, 1731 East 14th Place, 74104, in support of a continuance to December 16, 2015.

Chip Atkins, 1638 East 17th Place, 74120, in support of a continuance to December 16, 2015.

Daniel Gomez, 1788 East 14th Place, 74104, in support of a continuance to December 16, 2015.

Applicant's Rebuttal:

Mr. Reynolds stated that what is before the Planning Commission today is a major amendment to the PUD to add a lot into the PUD. The plan that has been circulated and shown has nothing to do with today's request. Staff is recommending approval and if there is a continuance he would request a continuance to December 2, 2015. Mr. Reynolds explained that the site plan is a conceptual site plan and that has been the efforts of the applicant to comply with the Code and the Comprehensive Plan.

TMAPC COMMENTS:

Mr. Midget asked Mr. Reynolds if he understood that this proposal is to add a lot to the PUD. Mr. Reynolds answered affirmatively. Mr. Reynolds stated that the site plan that the neighbors saw on Monday evening is not before the Planning Commission today and will have to come back as a detail site plan. Mr. Reynolds explained that the site plan is conceptual at this time. Mr. Reynolds stated that he doesn't see why December 16, 2015 is needed.

Mr. Fretz stated that he would like to see this continued for a couple of weeks and allow staff to go over the new plan.

Mr. Dix asked if a continuance will affect this project by placing it under the new Code. Mr. Wilkerson stated that it will not be considered under the new Code. Mr. Wilkerson further stated that to make it abundantly clear some of the development standards that are defined in the PUD are very similar to what will be seen in the new Zoning Code, such as the standards define the minimum parking standards, transparency, etc. Mr. Dix asked if the applicant has agreed to those standards. Mr. Wilkerson answered affirmatively. Mr. Wilkerson apologized for the late submittal

this morning. Mr. Wilkerson explained that staff has been working on this project for quite a long time now and the site plan and the development standards that was emailed out to everyone this morning is the most current project that is out there. Mr. Dix asked if the applicant will have to come back before the Planning Commission with their detail site plan and development standards. Mr. Wilkerson stated that they will have to come back with the detail site plan, but the standards are a part of the PUD and if the Planning Commission hears this case today, the standards are a part of that hearing.

Mr. Covey asked Mr. Wilkerson if he had an opinion on the continuance. Mr. Wilkerson stated that some of the technical comments he has heard could be easily addressed by removing the driveway that accesses 14th Place. Mr. Wilkerson indicated that he feels two weeks would be sufficient and the access can be addressed easily within those two weeks and those types of details, but if the issue is something larger than that, he isn't sure.

Mr. Midget stated that staff did provide a recommendation and they did look at the information. Mr. Midget further stated that the residents make a legitimate requests asking for a continuance. Mr. Midget commented that since they have met before and are somewhat familiar with it he believes that two weeks is reasonable to go through it and answer questions. Mr. Wilkerson stated that the most recent site plan was submitted to staff on Friday, November 13th, and then had to modify the staff recommendation and that is what is before the Planning Commission today. Mr. Midget stated that in the past the Planning Commission has requested site plans to be returned for review and that can still be done. Mr. Wilkerson stated that Mr. Midget's comments bring up a good point, because in the new Zoning Code starting January 1st, the site plans will be reviewed administratively unless the Planning Commission directs the staff to bring it back for a public hearing.

Ms. VanValkenburgh stated that the Planning Commission sees all site plans; however, your ability to approve or disapprove is really limited to what is included in the standards that are approved, unless the Planning Commission makes provision for certain things to be decided at the detail site plan review.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to **CONTINUE** to December 2, 2015.

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COMPREHENSIVE PLAN PUBLIC HEARINGS:

17. **CPA-38 – Eller & Detrich/Andrew Shank**, Comprehensive Plan Amendment request to amend Land Use Map change from “New Neighborhood” to “Regional Center” on approximately 76.5 acres located at 9610 South Garnett Road East, (CD 7), Resolution No. 2710:944

STAFF RECOMMENDATION:

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>New Neighborhood</i> Existing Stability and Growth designation: <i>Area of Growth</i>
Proposed Land Use: <i>Regional Center</i>
Location: <i>Southwest corner of E. 96th Street South and South Garnett Road</i>
Size: <i>26.7 acres</i>

A. Background

The original Comprehensive Plan Amendment application requested that the planning designation of the total 76 acre church site be amended from *New Neighborhood* to *Regional Center*. With such a large tract of land staff required that the applicant provide a conceptual plan/vision for the entire 76 acre site to ensure compatibility with the surrounding land uses. Staff determined that because there is no clear vision at this time for the redevelopment of the total church site the requested *Regional Center* designation should be limited to Development Area “B” as illustrated on the site plan attached to this staff report. Development Area “A” will remain *New Neighborhood*.

The 26.7 acre site that is subject to this Comprehensive Plan amendment application is located in southeast Tulsa; immediately south of the Creek Turnpike and abuts the Broken Arrow city limits on the east. The land use immediately south of the subject lot is single-family residential; the land use to the west is the existing *Grace Church* campus. The vacant land immediately east of the subject lot within the City of Broken Arrow is designated as *Public Recreation in the City of Broken Arrow* Comprehensive Plan.

The applicant has expressed intent to develop a medical office corridor on the 26.7 acre site. The Tulsa County Floodplain Map

illustrates that the eastern portion of the subject tract is located within the floodplain. The applicant has submitted rezoning application (Z-7320) from AG to CO on the 26.7 acre site to support development of a medical office use.

B. Existing Land Use and Growth Designations (Tulsa Comprehensive Plan)

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *Area of Growth*:

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

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

A *New Neighborhood* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The New Neighborhood Residential Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums.

These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or New Neighborhood or Town Center.”

C. Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing a *Regional Center* use designation on the subject site.

“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.”

D. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CO	NA	NA	Creek Turnpike
South	AG	<i>New Neighborhood</i>	<i>Area of Growth</i>	Residential/ Vacant
East	Broken Arrow City Limits – A-1	<i>Public Recreation (Broken Arrow Comprehensive Plan)</i>	NA	Vacant/Creek Turnpike
West	AG	<i>New Neighborhood</i>	<i>Area of Growth</i>	Church

E. Applicant’s Justification:

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;

2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant provided the following justification as part of their application:

“How Conditions of the Subject Area and Surrounding Property have changed

When the property was planned as “New Neighborhood” by the Comprehensive Plan this area was undergoing a transition and at that time most of the growth and development in the area would have been more accurately described characterized as “Regional Center”. During the planning process from the Comprehensive and immediately thereafter, most of the recent activity in the area resulted in projects being zoned and/or develop for medical corridor. The completion of these projects evidence the desirability and viability of a “Regional Center” designation in this area.

How those Changes have Impacted the Subject Area to Warrant the Proposed Amendment

The subject area (Development Area “B”) is designated as “New Neighborhood” when most of the growth during the planning process for the Comprehensive Plan and immediately thereafter within the area has been more supportive of a land use designation of “Regional Center” based on the development of the medical corridor projects around the subject property.

How the Proposed Change Will Enhance the Surrounding Area and the City of Tulsa

In light of the development patterns of the surrounding area, the request for “Regional Center” planning designation is a further evolution of the Comprehensive Plan, is minor in nature, and will enhance the surrounding area and the City of Tulsa by planning for sufficient densities of mixed use areas. Additionally, this request near the border of the City of Broken Arrow will provide a more compact development pattern which supports the growth of the area and the City of Tulsa in a more sustainable manner.

F. Staff Summary:

The vacant subject lot totaling 26.7 acres was designated as *New Neighborhood* when the Comprehensive Plan was adopted in 2010. The existing church campus west of the site is designated as *New Neighborhood* and the planning area immediately south of the subject site is designated as *New Neighborhood*, then *Neighborhood Center*. Since 2010 there have been no noted changes in zoning and land use designations in the area surrounding the subject site.

Grace Church immediately west of the subject site is not a typical neighborhood church with a seating capacity of 500 or fewer persons. In a statement provided on their website *Grace Church* indicates that the existing church campus contains over 180,000 square feet of building space. It appears that the existing church facilities include a gym; an auditorium; a chapel for weddings and funerals; a bookstore and a coffee shop.

The size and level of services provided on the abutting church campus may no longer be appropriate within a residential neighborhood setting; therefore a residential neighborhood may no longer be suitable for the 26.7 acre subject lot abutting the existing church site. The *Regional Center* designation would be compatible with the existing the *Grace Church* campus abutting the subject lot on the west.

The applicant makes the case that the subject area was designated as *New Neighborhood* although most of the growth during the planning process for the Comprehensive Plan and immediately thereafter within the area has been more supportive of a land use designation of *Regional Center* based on the development of medical corridor projects around the subject property. During a site visit staff noted that there is a considerable amount of medical office use north and west of the subject tract along the E 91st St S corridor. The typical land uses within the surrounding *Regional Center* designation include mixed-use centers containing hospitals, retail/commercial, specialized and general medical services and urgent care clinics.

The applicant has expressed intent to develop medical/office space and commercial uses on the subject site. The proposed *Regional Center* designation appears to be consistent with the land use and development patterns in the surrounding area; and a *Regional Center* land use designation on the subject site would be an extension of the existing *Regional Center* north of the Creek Turnpike along the E 91st St S corridor.

Grace Chapel Driveway a private road maintained by *Grace Church* provides motorists with a connection between S Garnett Rd and the residential subdivision southeast of the subject site. The submitted Conceptual Plan proposes a public roadway for a portion of the private drive within Development Area “B”. The proposed plan also provides a connection to E 96th St S from Grace Chapel Driveway (a private road). The proposed connection between Grace Chapel Driveway and E 96th St S will provide motorists with additional access to E 96th St S.

The subject lot is designated as an *Area of Growth*. *Areas of Growth* are parts of the city where general agreement exists that development or redevelopment is beneficial. A major goal in an *Area of Growth* is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop. The proposed *Regional Center* designation as submitted by the applicant would introduce medical office development into the planning area which has the potential to stimulate economic development, job growth and a new demand for housing in the surrounding area.

II. STAFF RECOMMENDATION

- Staff recommends **Approval** of the *Regional Center* designation as submitted by the applicant.

Mr. Covey asked if the church is in the City of Tulsa. Ms. Moyer stated that it is in Tulsa. Mr. Covey asked if the City of Broken Arrow is right there. Ms. Moyer stated that it is on the east side of South Garnett. Mr. Covey asked if the church all of the subject property. Ms. Moyer stated that the church owns the entire site of 76 acres. Mr. Covey stated that this is just a point of frustration from his point, because that church has been there a long time, well before PLANiTULSA and how in the world did this get designated “New Neighborhood”. Mr. Covey further stated that clearly the church isn’t going anywhere. Ms. Miller stated that we see scenarios like this around and her guess is that they thought there would be some redevelopment in the future of the subject site. Ms. Miller further stated that she can’t explain the rationale. Mr. Covey stated that this is frustrating and it seems that it happens not on an infrequent basis. Ms. Moyer stated with that in mind the subject site itself isn’t reasonable for “New Neighborhood”.

Mr. Fretz asked if the west side is in the 100-year floodplain. Ms. Moyer stated that the east side of the subject tract is within the 100-year floodplain.

Applicant's Comments:

Andrew Shank, Eller & Detrich, 2727 East 21st Street, Suite 200, 74114, cited the zoning in the subject area. Mr. Shank stated the Comprehensive Plan defines "Regional Centers" are areas that attracts people from the region and there is no question that Grace Church, for some time, has attracted folks from the region to their site. Grace Church acquired the property in the early 80's and the most recent campaign was in 2001 when they added the children's section that has the carousel inside. Since 2001, nine years before PLANiTULSA was adopted, this has been a regional center.

Mr. Shank stated that this phase of the development is accompanied by a rezoning application to rezone this subject property only as a corridor, which is a little bit more robust from a regulation standpoint than a straight zoning and will become a corridor development plan to specifically identify the development standards that are appropriate for the subject tract. Mr. Shank indicated that the uses will be limited as well. Mr. Shank requested the Comprehensive Plan amendment and he will be back on January 6, 2016 for the actual rezoning.

Mr. Shank stated that he had a good talk with the President of the Homeowner's Association to coordinate a meeting prior to the January 6th meeting to address any concerns that the HOA may have.

TMAPC COMMENTS:

Mr. Covey asked if the church will continue to own the property or sell it. Mr. Shank stated that the church is actively marketing the property and actively listed with a broker.

Mr. Covey stated that he drives by this subject property everyday and he never thought of it as a "New Neighborhood" designation. Mr. Shank stated that he thinks that is probably the consensus and that is the hard part of regulation, is that we have these areas where the Plan and Code doesn't meet the field. Mr. Shank that we have the Planning Commission and the Board of Adjustment and gives us areas in which where we can utilize land in an appropriate manner. Mr. Shank stated that the Comprehensive Plan did get the Area of Growth correct.

INTERESTED PARTIES COMMENTS:

Robert Perugino, 9907 South 108th East Avenue, 74133, stated that he thinks it is important to consider the history of this tract of land. The current configuration has been in existence for over 25 years and he moved into the neighborhood in 1988. Mr. Perugino stated that there are 109 homes in the HOA and generally 78% participation annually. Mr. Perugino indicated that he is authorized on behalf of the HOA. Mr. Perugino expressed concerns with the amendment and the ramifications it

will have in the subject area. He stated that there is significant traffic on Garnett Road during the rush hour and there are no dedicated left-turn lanes with traffic backing up to the Creek Turnpike. Mr. Perugino stated that there is a significant flooding problem on the east side of the subject site and when it rains the Broken Arrow Police close the intersection due to the flooding. Mr. Perugino requested that the Planning Commission deny the request.

Paul Stanton, 6715 East 99th Street, 74133, stated that his home backs up to the subject property. Mr. Stanton expressed concerns with traffic issues and the roads are hazardous.

Applicant's Rebuttal:

Mr. Shank stated that the underlying zoning is still agriculture and no building permit or dirt change can be pulled until he comes back with a corridor development plan, which is not a straight rezone. Mr. Shank further stated that the corridor development plan is a very specific detailed oriented development pattern that wouldn't let carte blanche to happen. Mr. Shank requested that the Comprehensive Plan amendment be approved.

TMAPC COMMENTS:

Mr. Dix asked if there will be any restrictive covenants that will be required as to uses. Mr. Shank stated that none that he is aware of. Mr. Shank explained that he is only handling the zoning and not involved in the everyday sales conversations.

Mr. Covey asked Mr. Shank to address the interested parties' concerns with regard to selling the land. Mr. Shank stated that the slippery slope argument has never been very compelling to him. Mr. Shank stated that he can't argue precedence on any case he comes back for. Everything is done case-by-case, the facts, and merits for each application. Mr. Shank further stated that if this has always been a Regional Center, then it has always been a Regional Center either way.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to recommend **ADOPTION** of the Comprehensive Plan Amendment to amend Land Use Map change from "New Neighborhood" to "Regional Center" on approximately 76.5 acre for CPA-38, Resolution No. 2710:944 per staff recommendation.

* * * * *

PUBLIC HEARINGS:

19. **Winchester Park** – Preliminary Plat, Location: South of 86th Street South, West of South Maybelle Avenue, (CD 2)

STAFF RECOMMENDATION:

The plat consists of 175 lots, 5 blocks, on 48.5 acres.

The following issues were discussed November 5, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3. There is an agreement with the developer and Engineering Services about how Maybelle Avenue will be improved. This needs to be defined. All Reserve Areas need to be shown on the plat and defined in the covenants.
2. **Streets:** Call out full road width at the intersection of Reserve D with Maybelle Avenue. Only the lanes to the north of the island are called out. Where has Reserve D been defined in the covenants? What is its purpose? Generally streets in reserve areas are private. Add note on the face of plat "All streets are public." Remove Section 1.1.9 from covenants. There are no "Limits of No Access" on this plat.
3. **Sewer:** Many of the easements are too narrow and must be enlarged. The existing 10 inch sanitary sewer line is deep and we will not allow encroachment into the easement by other utilities. In Block 3, an 11 foot back to back utility easement is the minimum required, if the other utilities can serve the lots without getting into the sanitary sewer easement. Where the existing sanitary sewer main is over 16 feet deep, another 8 inch sanitary sewer lateral line must be installed in order to serve the neighboring lots. The utility easement in Reserve C must be a minimum of 11 feet instead of 5 feet that is shown. Reserve A will require a 17.5 foot u/e instead of the 11 foot that is shown on the plat. Reserve B will require an 11 foot u/e. Additional easements are needed and need to be approved through Development Services. If the existing sanitary sewer line exceeds 16 feet in depth then service connections for adjacent lots will not be allowed. Another 8 inch sewer lateral line will be required to provide service to those lots. Address Reserves in Deed of Dedication. Lamp holes are only allowed on runs of pipe less than 100 feet from the downstream manhole. The proposed Lift Station in the development to the east has not been approved and we have yet to see plans for it. Suggest you contact Bob Shelton to check on status of City of Tulsa projects that may be proposed downstream of your development. All platted lots within the development must have access to a sanitary sewer main for services before the plat can be approved.

4. **Water:** Add a minimum 17.5 foot utility easement along public roadways. The dead end waterline segment on Line C will not be allowed. It must be looped back out and tied to Line D. Install proposed water main lines 8 inches off of the property lines, inside the street right of way. Show future water service conduits for the proposed lots.
5. **Storm Drainage:** The owner of the Texas pipeline easement needs to be contacted so their line can be identified as to size, type, and structural clearances, etc. (A release letter will be required from the company.) Plans are to be submitted and approved through the IDP process. A storm water pollution prevention plan will be required and will be prepared per OKR10, September 2012. Storm water detention ponds will be required for the proposed subdivision, and designed pursuant to City Criteria and be contained in designated Reserve areas and identified as storm water detention pond easements. The pond design may include overland drainage easements required for emergency overflow relief from the pond. Drainage plan shall identify and design for all offsite drainage that enters the proposed subdivision. Preliminary plans show grading and discharging on ODOT right of way. A permit will need to be obtained from ODOT. A detention pond is discharging on ODOT property accordingly the drainage report will need to be submitted to ODOT for approval. Section 1.3.1 of the covenants should say "On the Owners' Lot". Sections which reference the "Department of Public Works" should be changed to say "City of Tulsa". Overland drainage easements may be required at storm sewer sump locations. Sumps should be designed to allow for emergency drainage relief due to inlet clogging or pipe failure. The dedication of Reserve B needs to be clarified for usage.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional and wider easements may be necessary.
7. **Other: Fire:** Cul-de-sac will need to meet the requirements of the International Fire Code 2009 ed. Section D103.4. A fire hydrant will be required within 60 feet of any structure as the hose lay.
8. **Other: GIS:** Remove parcel lines in location map. Label unplatted land. Add missing subdivisions. Label project location and US Highway 75. Add City of Tulsa in subtitle for plat. Provide individual lot addresses. Submit control data sheet. Provide street names. State/provide basis of bearing. Show scale both written and graphically. Readdress block and lot numbers for blocks 1 and 3. Provide street names on final plat. Indicate purpose of Reserve B. Define in Deed of Dedication. Many of the proposed easements are inadequate in dimensions; the minimum permitted dimension is 11 foot. .An IDP permit is required for this project. The IDP permit must be officially signed and approved with an accompanying release letter before final approval of the plat.

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.

TMAPC Action; 10 members present:

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

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Mr. Covey stated that Mr. Fretz has a conflict with Item 20 and will be excusing himself from the meeting.

Mr. Fretz out at 2:22 p.m.

20. **Huntington Park –** Preliminary Plat, Location: South of the southeast corner of East 41st Street South and South 177th East Avenue, (CD 6)

STAFF RECOMMENDATION:

This plat consists of 141 lots, 10 blocks, on 38.4 acres.

The following issues were discussed November 5,, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 816 (RS-4 underlying).
2. **Streets:** Delete words "w/median from access. Show the median and put it in a Reserve and add reserve in covenants. Add section on Limits of No Access in covenants. Delete Section 1.1 Mutual Access Easements or show mae's on face of plat.

- 3. Sewer:** If there will be a wall placed within the 5 foot easement (FL/E) located along South 177th East Avenue, then we will require a 20 foot perimeter easement instead of the 17.5 foot shown on the face of the plat. The 11 foot utility easement shown along the north boundary of Lot 8, Block 5, is not wide enough to accommodate the proposed sanitary sewer main. Increase the easement to at least 15 feet, or wider if other utilities will be sharing that easement. Center the pipe within the 15 foot easement. In Section I-P, Reserve "B, C and Open Space", reference was made to a section titled "Reservation of Rights and Covenant as to Obstructions" but it does not appear. That needs to be further explained in relation to utilities use within the Reserve areas. The following fees will be assessed for the entire acreage: \$700/acre Broken Arrow Excess capacity fees; administration fees for the City of Tulsa; Trinity Creek Payback contract fees; Stone Creek Farms Lift Station Use Fees of \$3936/acre; and City of Tulsa lift station relief fees of \$150/acre. To be assessed during development approval.
- 4. Water:** Along the public roadways in the development site a 17.5 foot utility easement is needed for installing a water main line 8 feet off of the property line. Show future water service conduits for the proposed lots.
- 5. Storm Drainage:** Plans are to be submitted and approved through the IDP process. A Storm Water Pollution Prevention Plan will be required and will be prepared per OKR10.September 2012. Storm water detention pond will be required, for the proposed subdivision, and designed pursuant to City Criteria and be contained in designated Reserve Areas and identified as Storm Water Detention Pond Easements. The pond designs may include Overland Drainage Easements required for Emergency Overflow Relief from the pond. Drainage plan shall identify and design for all offsite drainage that enters the proposed subdivision. Overland drainage easements may be required at storm sewer sump locations; sumps should be designed to allow for emergency drainage relief due to inlet clogging or pipe failure. The concept plan needs to clearly identify the ability of conveying all storm water flows and detention pond discharges within designed easements through the future Huntington Park II. Reserve B needs to be identified on the plan. Section E, in the Covenants should start off with "Each". Section O-3 in the Covenants which reference the "Department of Public Works" should be changed to City of Tulsa. Section E and Section K say the same.
- 6. Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO has overhead lines east and west. Additional easements may be needed. The entryways may need to be changed as they do not include reserves.
- 7. Other: Fire:** Fire hydrants will be required along 177th East Avenue fronting the developed area and spaced 500 feet apart.

- 8. Other: GIS:** Provide individual lot addresses. Submit control data sheet. State/provide basis of bearing. Graphically show all pins found or set for plat. Spell out unplatted property in location map. Need address caveat. An IDP (infrastructure development plan) is required for this project.

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, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Fretz, Reeds "absent") to **APPROVE** the preliminary plat for Huntington Park per staff recommendation.

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Mr. Fretz in at 2:24 p.m.

21. **Cosmopolitan Apartments** – Preliminary Plat, Location: Southwest corner of West 17th Street South and South Denver Avenue, (CD 4)

STAFF RECOMMENDATION:

The plat consists of 1 lot 1 block, on 2.8 acres.

The following issues were discussed November 5, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 330 A.

2. **Streets:** Show right of way along Riverside Drive and provide reference such as plat number or book/page number. Total right of way dedication along Denver must be 10 feet. Plat needs additional 5 foot of right of way dedication for right turn lane. (Consulting Engineer felt this was not what had been previously discussed at prior meetings so this would be discussed further.) Use standard language for right of way dedication in covenants. Remove reference to 89th East Avenue and 4th Place. Five foot sidewalks required along all streets.
3. **Sewer:** No comment.
4. **Water:** Show the dedicated right of way width and existing utility easement along South Riverside Drive.
5. **Storm Drainage:** Plans are to be submitted and approved through the IDP process. Proposed final storm sewer design will need to conform with City of Tulsa easement requirements.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements with wider widths may be needed. PSO underground lines need to run parallel to water lines. A notch in building will be needed for transformers for PSO.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Provide address for lot. Submit control data sheet. Label point of commencement and incorporate it in legal description. In the location map spell Stutzman plat correctly. An IDP plan is required for this project.

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 staffs must be taken care of to their satisfaction.

Standard Conditions:

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

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

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

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22. **Barnes Plop –** Minor Subdivision Plat, Location: West of the southwest corner of East 36th Street North and North Sheridan Road, (CD 3)

STAFF RECOMMENDATION:

The plat consists of 1 lot, 1 block, on 15.7 acres.

The following issues were discussed November 5, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL (industrial light)
2. **Streets:** Covenant Section I.J use standard sidewalk language. Remove reference to 89th East Avenue and 4th Place.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Plans are required to be submitted and approved through the IDP process. A Storm Water Pollution Prevention Plan (SWP3) will be required, and must be prepared per OKR10, September 2012 Storm water detention pond may be required, for the proposed subdivision, and designed pursuant to City of Tulsa criteria and be contained in designated Reserve Area and identified as Storm Water Detention Pond Easement. The pond design may include Overland Drainage Easements required for Emergency Overflow Relief from the pond. Drainage plan shall identify and design for all offsite drainage that enters the proposed subdivision.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** AT&T may need additional easements.
7. **Other: Fire:** No comment.

8. **Other: GIS:** The subdivision data control sheet states the name of the subdivision as Barnes Warehouse. Graphically show all pins found or set with plat. In the location map spell out unplatted. Fix North Yale Avenue text. An IDP permit must be used for the plat. All legal concerns must be addressed.

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; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to **APPROVE** the minor subdivision plat for Barnes Plop per staff recommendation.

* * * * *

23. **Z-7322 – Eller & Detrich/Lou Reynolds**, Location: East of southeast corner of East 19th Street South and South Memorial Drive, requesting rezoning from **OL to CS**, (CD 5)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The applicant is proposing to rezone a portion of a property that is currently in CS and OL zones to CS zone. This will place the entire property in the CS zone. Commercial Grocery is proposed for this location.

DETAILED STAFF RECOMMENDATION:

Z-7322 requesting CS as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

CS zoning is harmonious with existing surrounding property; and

CS zoning is consistent with the expected future development pattern of the proximate properties; therefore

Staff recommends **APPROVAL** of Z-7322 to rezone property from OL to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7322 is included in Neighborhood Center and an Area of Growth. The rezoning request will complement the vision identified.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

Neighborhood Centers are small-scale; one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: East 19th Street South is not identified on the major street and highway plan. This parcel is currently zoned OL. The site is a surface parking lot for a vacant grocery store. It is anticipated that this will be integrated into the redevelopment of this property that abuts East 21st Street South and South Memorial Avenue which are both arterial streets.

Trail System Master Plan Considerations: The site is within one mile of Mingo Trail

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site contains a currently vacant grocery store.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 19 th Street	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by multifamily housing, zoned RM-0; on the north by multifamily housing, zoned RM-2; on the south by commercial development, zoned CS/OL; and on the west by a gas station and drive-in restaurant, zoned CS.

SECTION III: Relevant Zoning History

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

Subject Property:

No relevant zoning history.

Surrounding Property:

Z-6558 October 1996: All concurred in approval a request to rezone a 1.35± acre tract of land, from OL to CS for parking for a grocery store, located east of the northeast corner of East 21st Street and South Memorial and abutting the subject property to the south.

PUD-308 February 1983: All concurred in approval of a proposed Planned Unit Development on a 2.38+ acre tract for townhouses on property located south of East 19th Street South and east of South Memorial Drive and abutting the subject property to the east.

Applicant's Comments:

Lou Reynolds, Eller & Detrich, 2727 East 21st Street, 74114, stated that the subject property is all under contract and the old Albertson's store is being torn down for a new grocery store to be developed. Mr. Reynolds described the landscaping and proposed building. Mr. Reynolds stated that he talked with one neighbor and he thought it would be great.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to recommend **APPROVAL** of the CS zoning for Z-7322 per staff recommendation.

Legal Description for Z-7322:

An area that is part of Block Nine (9), O'Connor Park, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 1236 thereof, being more particularly described as follows: Commencing at the Northwest corner of said Block 9; thence North 88°49'56" East along the Northerly line of said Block 9 for 462.50 feet to the point of beginning; thence North 88°49'56" East along Northerly line of said Block 9 for 160.00 feet to a point on the Easterly line of the West Half (W/2) of said Block 9; thence South 01°10'04" East along said Easterly line for 325.00 feet to a point; thence leaving said East line S88°49'56"W 160.00 feet to a point thence N01°10'04"W 325.00 feet to the point of beginning. Said description is intended to include the entire area of the current OL Zoning District inside of Block 9 of O'Connor Park a subdivision recorded as Plat Number 1236 in the Tulsa County Recorder of Deeds office as shown on the current zoning map for the City of Tulsa.

24. **Z-7323 – Gary Hassenflu**, Location: East of the northeast corner of South Yale Avenue and East 32nd Street South, requesting rezoning from **RS-2/RD to RM-3**, (CD 5)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The applicant is proposing to rezone properties that are currently in RS-2 and RD zones to RM-3 zone. The intention is to construct multifamily housing on the subject properties. While the RM-3 zone does permit a higher density than the other RM zone, the setback requirements are greater, limiting the usable land area and preventing the multifamily development from being too large to be compatible with the surrounding area.

DETAILED STAFF RECOMMENDATION:

Z-7323 requesting RM-3 as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

RM-3 zoning is harmonious with existing surrounding property; and

RM-3 zoning is consistent with the expected future development pattern of the proximate properties; therefore

Staff recommends **Approval** of Z-7323 to rezone property from RS-2/RD to RM-3.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7323 is included in New Neighborhood and an Area of Growth. The rezoning request will complement the vision identified.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal

and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

Areas of Stability and Growth 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: None

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 subject properties are currently vacant land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 32 nd Street South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by a single-family housing, zoned RS-2; on the north by the Broken Arrow Expressway, zoned RS-2; on the south by Duplex and Single-family housing, zoned RD and RS-2; and on the west by a shopping center and restaurants, zoned CS and CG.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 12404 dated February 22, 1972 (RD) and 11824 dated June 26, 1970 (RS-2), established zoning for the subject property.

Subject Property:

Z-4066 February 1972: A request for rezoning a .59+ acre tract of land from RS-2 to RM-1 on property located east of the northeast corner of E. 32nd St. and S. Yale Ave. and also a part of the subject property. Staff recommended RS-3, but TMAPC recommended approval of RM-1. The City Council approved RD.

Surrounding Property:

No relevant history.

Mr. Hoyt stated that the applicant agreed to go down to RM-2 if necessary.

Mr. Covey asked what the size of the proposed project. Mr. Hoyt stated that he is not sure of the square footage dimensions, but he believes it is approximately 51 units and three stories. Mr. Covey asked if three stories are considered a low-rise apartment or condominiums. Mr. Hoyt answered affirmatively. Mr. Covey asked what is the threshold for low-rise, Mr. Hoyt stated that he is not sure what the definition is for that. Mr. Wilkerson stated that anything over three stories is starting to be high-rise. The Comprehensive Plan defines low-rise as three to five stories.

Applicant's Comments:

Gary Hassenflu, Garrison M & W Companies, 2020 Broadway, Kansas City, Missouri, 64108, stated that he is representing the owners, Mr. and Mrs. Mound and Yale 31 Corporation. Mr. Hassenflu stated that there are two acres and the proposal is to develop 51 units, three story buildings

with surface parking. Mr. Hassenflu cited his history in development and success. Mr. Hassenflu stated that his company has their own property management and will have a local onsite manager and will screen the applicants.

Mr. Hassenflu stated that he believes that this is the ideal site with the commercial on the far west side, duplex on the south, single-family to the east and Broken Arrow Expressway to the north of the subject property. Mr. Hassenflu stated that there isn't anything else of low-density that would make any financial sense. Mr. Hassenflu stated that this would be an ideal transition to have multifamily use between the different land uses. Mr. Hassenflu requested that the Planning Commission approve this application and he indicated that he would be willing, as a concession, to drop the zoning down to RM-2, which allow for the same uses he has requested.

TMAPC COMMENTS:

Mr. Fretz asked if there have been any meetings with the neighbors for this project. Mr. Hassenflu stated that he has no and that he received one phone call a couple of weeks ago. Mr. Hassenflu commented that he didn't know about any opposition until two days ago. Mr. Hassenflu stated that he would be happy to meet with them now and it is important to be a part of the community.

Mr. Fretz asked if it would be appropriate to delay this application two weeks to allow Mr. Hassenflu to meet with the neighbors, considering all of the letters that have been received in opposition.

Mr. Covey asked Mr. Hassenflu what he thought of a continuance. Mr. Hassenflu stated that would be a problem with the deadline he has for financing. Mr. Hassenflu further stated that he feels that he is making a grand concession to go down to RM-2. Mr. Hassenflu stated that in consideration of his deadline for financing he would like to ask the Planning Commission to approve this today.

Mr. Midget stated that to be honest he doesn't know if he could support with staff recommendation for RM-3 and he believes that RM-2 would be more reasonable. Mr. Midget further stated that he also feels very strongly about the need for developers to at least talk with their neighbors about a project. Mr. Midget commented that the Planning Commission has always tried to encourage the meetings and prevent the developers coming in and not being good neighbors. There is a need for this to be one neighborhood and that is why it is important that the developer meet with the neighbors. Mr. Midget stated that he doesn't want to make a decision on the applicant's financial issues. Mr. Midget strongly urged Mr.

Hassenflu to meet with the neighbors and he may find a way to address their issues.

Mr. Hassenflu stated that if this is the decision of the Planning Commission then he will meet with the neighbors.

Mr. Dix stated that he is uncomfortable with 51 units on two acres. Mr. Dix commented that his house is on two acres and he knows what two acres is like and can't imagine 51 units on two acres. Mr. Hoyt stated that the 51 acres is far less than what would be allowed in RM-3. Mr. Hoyt stated that the applicant could do 171 units on the two acres. Mr. Dix stated that he would support a continuance on this application.

Mr. Covey stated that there are 14 individuals signed up to speak and he is not going to parade everyone up here. Mr. Covey asked the interested parties if they are in favor of continuing the application or do they want to hear it today. Mr. Covey explained that hearing it today could go for or against the application. Mr. Covey stated that a continuance would allow the neighbors to get organized and meet with the applicant and see if there are any concessions that can be made or not. Mr. Covey commented that this allows the neighbors the opportunity to discuss their issues with the applicant. Mr. Covey stated that if interested parties want to discuss the continuance he will give them a couple of minutes to organize.

INTERESTED PARTIES COMMENTS:

Jennifer Harmon, 3523 South Louisville Avenue, 74135, stated that she is not in favor of continuing this application.

Debbi Ashley, 3234 South Fulton Avenue, 74135, stated that she lives in Highland Park and she does have some concerns and would support a continuance. Ms. Ashley stated that she would like to meet with Mr. Hassenflu.

Rebekah Stephenson, 3202 South Braden Avenue, 74135, stated that she is almost directly across on the south side of the subject property. Stated that she has done some research on the developer and based on what she has found she doesn't believe he would be willing to discuss this application with the neighborhood. Ms. Stephenson stated that what he is proposing is consistent with the neighborhood or the character of the neighborhood. Ms. Stephenson stated that she would like to hear the application today because she doesn't think he will come to the neighborhood and talk with them. He is based out of Kansas City and he has never tried to reach out and now he is talking about an RM-2. Ms. Stephenson stated that she believes it should be heard today as an RM-3.

Ms. Stephenson further stated that if the applicant wants RM-2, then he should have to remit his application.

Sam Childers, 3224 South Darlington, 74135, stated that he has lived in the subject area for 41 years and it is a residential neighborhood. Mr. Childers stated that he is not in favor of a continuance.

Mr. Carnes stated that he can't remember the Planning Commission having a hearing where the neighbors had not had a meeting with the developer. Mr. Carnes stated that he doesn't believe we need to start that now. Mr. Carnes further stated that a continuance is needed to allow the neighbors and the developer to meet.

Mr. Walker asked Mr. Hassenflu if this is his application. Mr. Hassenflu answered affirmatively. Mr. Walker asked Mr. Hassenflu if staff suggested that he have a neighborhood meeting. Mr. Hassenflu stated that there was no neighborhood association for him to meet with. Mr. Walker asked Mr. Hassenflu that when he made an application did the Planning Commission staff suggest that he reach out to the neighborhood. Mr. Hassenflu answered negatively. Mr. Walker asked Mr. Hassenflu if his counsel recommend that he reach out to the neighborhood or do you have a local counsel. Mr. Hassenflu stated that he doesn't have a local counsel. Mr. Hassenflu stated that the bottom line is that he is fine with the continuance and would gladly meet with everyone that would like to meet and he would like to have one contact person that he could set this up with.

Mr. Midget moved to continue to December 2, 2015, seconded by Mr. Carnes. Mr. Dix asked if he could add a friendly amendment to the motion and request December 16, 2015 since he will not be present on December 2, 2015. Mr. Midget and Mr. Carnes agreed.

TMAPC Action; 10 members present:

On amended **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to **CONTINUE** Z-7323 to December 16, 2015.

Mr. Covey encouraged the neighbors to exchange numbers with the applicant.

* * * * *

OTHER BUSINESS

27. Adopt a resolution of the Tulsa Metropolitan Area Planning Commission recommending approval and adoption by the City of Tulsa of the **Admiral Place Community Development Project Plan** subject to the amendment of the Comprehensive Plan contemplated in the Admiral Place Community Development Project Plan. Resolution No. 2710:943

STAFF RECOMMENDATION:

Item for consideration: Adopt a resolution of the Tulsa Metropolitan Area Planning Commission recommending approval and adoption by the City of Tulsa of the Admiral Place Community Development Project Plan subject to the amendment of the Comprehensive Plan contemplated in the Admiral Place Community Development Project Plan.

- I. **Background:** As defined by the Tulsa Comprehensive Plan, a Tax Increment Financing District (TIF) is “a redevelopment tool used to provide dedicated funding within well-defined districts for public investments such as infrastructure improvements, by capturing the future increase in tax revenue generated by appreciation in property values as a result of those improvements.” The Admiral Place Community Development Project is a “sales tax only” TIF.

II. Development or Redevelopment Using Tax Increment Financing

The Oklahoma Constitution authorizes special financing tools to assist with the development or redevelopment of areas determined by a city, town, or county to be unproductive, undeveloped, underdeveloped, or blighted. The Local Development Act provides those tools and guidelines limiting their use to areas where investment, development, and economic growth are difficult but possible if the Act is used.

One of the Act’s tools is tax increment financing, which allows a city, town or county to direct the apportionment of an increment of certain local taxes and fees to finance public project costs in order to stimulate development in the defined area. The sales tax increment is the portion of sales taxes collected each year that are generated by the project(s) in the increment district, as determined by a formula approved by the governing body. The increment district is established by the development and approval of a project plan, which specifies the project area, the boundaries of the increment district, the objectives for the project area, the activities to be carried out in furtherance of those objectives, and the costs.

Increment districts have been validated by court proceedings involving two increment districts in Oklahoma City (for economic development projects at the Oklahoma Health Center and for the Downtown/MAPS

project) and the increment district in Guymon (for the Guymon-Seaboard Economic Development project).

III. Steps for Considering and Creating a Sales Tax Increment District

The governing body passes a resolution establishing a review committee and appoints its representative. The review committee consists of (1) a representative of the governing body, to serve as chairperson; (2) a representative of the Planning Commission; and (3) three members representing the public at-large and selected by the other committee members from a list of seven names submitted by the chairperson of the review committee. At least one of the at-large members must be a representative of the business community in the city, town, or county considering the project plan. If the project plan is primarily for a retail development, the business community representative must be a representative of a retail organization or a retailer.

The review committee elects the at-large members, studies the proposed project and makes findings on the eligibility of the proposed project area and increment district, makes a finding on financial impact of the proposed plan and project upon the affected taxing jurisdiction and business activities in the proposed district, and makes a recommendation regarding approval of the project plan. Its recommendation must include the analysis used to project revenues over the life of the project plan, the effect on the taxing entity, and the appropriateness of the approval of the project plan.

The Planning Commission determines whether the proposed project plan conforms with the comprehensive (master) plan and makes a recommendation regarding approval of the proposed project plan.

The governing body must hold two public hearings before adoption of a project plan – one to provide information and to answer questions and a second to give interested persons the opportunity to express their views on the proposed plan. The governing body considers the findings and recommendation of the review committee and the resolution and recommendation of the planning commission. The governing body makes the final determination that the proposed increment district meets the eligibility criteria of the statute, including that the project area is an enterprise area, a historic preservation area, or a reinvestment area. The governing body makes the finding that the improvement of the area is likely to enhance the value of other real property in the area and to promote the general public interest and adopts an ordinance (or resolution) approving the project and establishing the increment district.

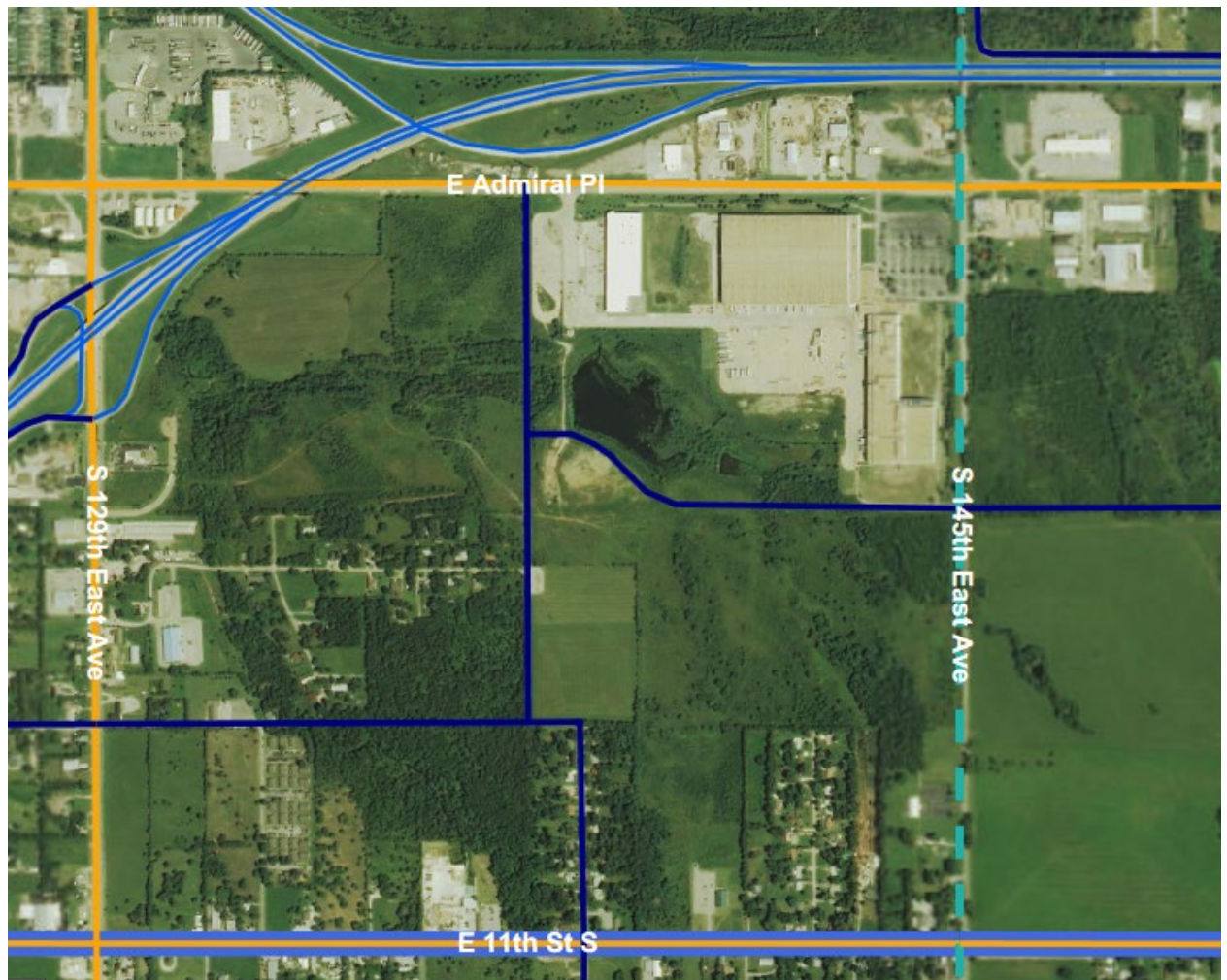
IV. Staff Review of the Admiral Place Community Development Project Plan for Conformance with the Tulsa Comprehensive Plan

Prior to submittal to City Council, the TMAPC is asked to review the Project Plan and adopt a resolution stating that the plan is in conformance with the adopted Tulsa Comprehensive Plan. Staff analysis will focus on three aspects of the Tulsa Comprehensive Plan:

- Major Street and Highway Plan
- Land Use Map
- Economic Development Priorities

A. Major Street and Highway Plan

Below is an excerpt from the Major Street and Highway Plan (MSHP) showing MSHP classification and City of Tulsa Street designations in this area.



The proposed Project Plan is generally bordered by E. Admiral Place and Interstate-44 to the north. Interstate-44 has an MSHP designation of freeway and E. Admiral Place is designated as a Secondary Arterial. The Project Plan supports a collector road as shown on the MSHP, to allow traffic to access S. 145th E. Ave., which is classified as a Primary Arterial.

B. Land Use Map

The **existing** land use designations in the Project Plan area are *Town Center, Employment, New Neighborhood* and *Parks and Open Space*.

- **Town Centers** are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town Centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.
- **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.
- **New Neighborhoods** are intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.
- **Parks and Open Space** are areas to be protected and promoted through the targeted investments, public private partnerships, and

policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

Given the regional nature of the proposed Project Plan, the most appropriate land use designation for this area is 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.

If this area developed in a smaller scale incremental approach, as was originally anticipated in the Comprehensive Plan, the land use designations could be appropriate for a majority of the proposed uses. However, the regional nature of the retail center, regional detention facility and other public improvements warrant consideration of the Regional Center land use designation. Staff anticipates that City will initiate such a Comprehensive Plan amendment to facilitate the scale and scope of the Project Plan.

C. Economic Development Priorities

The Comprehensive Plan states that an Economic Development Priority is to have “regional centers that provide ideal opportunities for a high concentration of commercial and retail employers.”(Comprehensive Plan, p. ED-12) The priority is further described as “Employers and residents in these centers are also offered opportunities for shopping, dining, entertainment and other services. As more people work and live in them, additional services are provided and these centers will become even more desirable places to live, contributing to a vibrant urban economy and environment.” (Comprehensive Plan, p. ED-13)

Staff recommendation: *Approval of the Admiral Place Community Development Project Plan, finding it to be in conformance with the Tulsa Comprehensive Plan, subject to the Comprehensive Plan amendment as contemplated in the Project Plan.*

Attachments:

- Land Use Map
- Stability and Growth Map
- Zoning Map
- Aerial Map
- Proposed Admiral Place Community Development Project Plan Increment District No. 7, City of Tulsa

Ms. Miller stated that Leslie Bachelor is the TIF Attorney that the City hired from Oklahoma City. Ms. Miller indicated that Ms. Bachelor is on her way, but may be late.

Ms. Miller indicated that the Planning Commissions' role is to find this in conformance with the Comprehensive Plan.

Mr. Dix stated that he assumes that there has been a notice and signs on the subject property. Ms. Miller stated that at this point and time there is no change in the Comprehensive Plan and the City Council has this on their agenda tomorrow to start that process. Ms. Miller stated that what is before the Planning Commission is the start of the project plan for the TIF.

In response to Ms. Millikin, Ms. Miller cited the schedule for the TIF.

In response to Mr. Dix, Ms. Miller stated that this is a sales tax only TIF. Mr. Walker stated that this simply saves the Developer money and it is a delay in sales tax. Ms. VanValkenburgh stated that she believes it is a 25-year plan.

In response to Mr. Dix, Mr. Walker stated that the Simon Outlet Mall would have had the same type of TIF had they stayed in Tulsa.

Mr. Carnes stated that he doesn't believe the Planning Commission has much choice because this does meet the Comprehensive Plan and that is all the Planning Commission is asked to find.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to recommend **APPROVAL** and **ADOPTION** by the City of Tulsa of the Admiral Place Community Development Project Plan and Resolution No. 2710:943, subject to the amendment of the Comprehensive Plan contemplated in the Admiral Place Community Project Plan.

28. Commissioners' Comments: None.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds "absent") to **ADJOURN** TMAPC meeting 2710.

ADJOURN

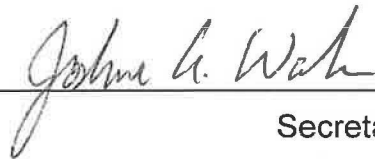
There being no further business, the Chair declared the meeting adjourned at 3:02 p.m.

Date Approved:

12-02-2015


Chairman

ATTEST:


Secretary

Secretary