

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2713

Wednesday, January 6, 2016, 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	Midget	Fernandez	VanValkenburgh, Legal
Covey		Hoyt	Southern, COT
Dix		Huntsinger	
Fretz		Miller	
Millikin		White	
Reeds		Wilkerson	
Shivel			
Stirling			
Walker			
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, December 30, 2016 at 2:50 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, River Design Overlay and the New Zoning Code Training Session.

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CONSENT AGENDA

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

1. **LS-20836** (Lot-Split) (CD 5) – Location: Southeast corner of East 41st Street South and South Hudson Avenue (related to: LC-733 & LS-20837)
2. **LC-733** (Lot-Combination) (CD 5) – Location: Southeast corner of East 41st Street South and South Hudson Avenue (related to: LS-20836 & LC-733)
3. **LS-20837** (Lot-Split) (CD 5) – Location: South of the southeast corner of East 41st Street South and South Hudson Avenue (related to: LD-20836 & LC-733)
4. **LC-734** (Lot-Combination) (CD 6) – Location: Northwest corner of East 12th Street South and South 179th East Avenue
5. **LS-20838** (Lot-Split) (CD 5) – Location: North and East of the northeast corner of East 15th Street South and South 69th East Avenue (related to: LC-735)
6. **LC-735** (Lot-Combination) (CD 5) – Location: North and East of the northeast corner of East 15th Street South and South 69th East Avenue (related to: LS-20838)
7. **LS-20839** (Lot-Split) (County) – Location: South of East 94th Street South and South 187th East Avenue
8. **LS-20840** (Lot-Split) (County) – Location: East of the southeast corner of East 116th Street North and North Harvard Avenue
9. **LC-737** (Lot-Combination) (CD 1) – Location: North of the northwest corner of East Apache Street and North Harvard Avenue
10. **LS-20841** (Lot-Split) (CD 8) – Location: Southwest corner of East 101st Street South and South 77th East Avenue

Applicant has requested a continuance. This application has been removed from the consent agenda.

11. **LS-20842** (Lot-Split) (CD 8) – Location: West of the northwest corner of East 107th Place South and South Louisville Avenue (related to LC-736)
12. **LC-736** (Lot-Combination) (CD 8) – Location: West of the northwest corner of East 107th Place South and South Louisville Avenue (related to LS-20842)
13. **LS-20843** (Lot-Split) (County) – Location: South of the southwest corner of East 106th Street North and North New Haven Avenue

14. **Partial Vacation of Plat and Termination of Deed of Dedication** – Crossbow Center, Jenny Marie Addition, Location: Northwest corner of South Garnett Road and 41st Street South (CD 6)
15. **Jenks Northwest Elementary** – Final Plat, Location: North of the northeast corner of West 81st Street South and South Elwood Avenue, (CD 2)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 24 acres.

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

16. **Stonehaven** – Final Plat, Location: West of southwest corner of East 81st Street South and South Garnett Road, (CD 7)

STAFF RECOMMENDATION:

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

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

17. **PUD-587-10 – Crown Neon Federal Signs/Todd Adair**, Location: West of the southwest corner of South Yale Avenue and East 81st Street South, requesting a **PUD Minor Amendment** to permit the addition of a ground sign, **CS/PUD-587**, (CD 8)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD to permit the addition of a ground sign center.

The lot the applicant has proposed the ground sign for is not currently allowed a ground sign due to the restriction that ground signs are only allowed on lots with frontage on Yale and 81st Street. The applicant proposes a maximum height of 20 ft and a maximum display surface area of 70 sf.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.12 PUD Section of the City of Tulsa Zoning Code.

“Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is 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-587 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to permit the addition of a ground sign.

18. **PUD-736 – The BDB Engineering Group**, Location: North of the northeast corner of South 89th East Avenue and East 71st Street South, requesting a **PUD Detail Site Plan** for a new hotel within the PUD, **CS/PUD-736**, (CD 7)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a 2.2 Acre site in a Planned Unit Development for a new hotel, including one, 4 story building.

PERMITTED USES:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 19, Hotel Motel uses only and uses customarily accessory to permitted principal uses. The hotel 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. Exterior light standards shall not exceed 25 ft in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. 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 a person standing at ground level in nearby residential communities.

SIGNAGE:

The site plan illustrates wall 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.

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:

The plan displays pedestrian paths adjacent to the proposed hotel.

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-736**. 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 hotel.

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

19. **AC-138 – AAB Engineering, LLC**, Location: Northeast corner of East Admiral Boulevard and North Yale Avenue, requesting an **Alternative Compliance Landscape Plan** to provide additional parking and street trees in lieu of providing one tree within 50 feet of every proposed parking space, **CH**, (CD 3)

STAFF RECOMMENDATION:

SECTION I:

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for a property located at the Northeast Corner of East Admiral Boulevard and South Yale Avenue.

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

- 1) A landscape area with tree within 50 feet of any parking space is not provided as required per sections 1002.B.1 and 1002.C.2.

The applicant has included additional trees not required by code along the perimeter of the site and has provided a greater amount of percentage of landscape area than required in the Zoning Code. Also, other than the parking area tree requirement, 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-138.

SECTION II: Applicants landscape plan is included as an attachment.

Staff Comment regarding the Tulsa Zoning Code effective January 1, 2016.

With the adoption of the new Zoning Code, all parking adjacent to public street rights of way must comply with the updated screening requirements for S-1, Low-profile Screen as found in Section 65.060-C.1 of the newly adopted City of Tulsa Zoning Code. This submittal was received prior to January 1, 2016 therefore the alternative compliance submittal is not subject to those requirements or design standards.

20. **PUD-268-D – Wallace Engineering**, Location: Southwest corner of South Mingo Road and East 93rd Street South, requesting a **PUD Detail Site Plan** for a new parking lot addition, **RM-1/PUD-268-D** (CD 7)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a 2.9 Acre site in a Planned Unit Development for a new parking lot addition to support an existing building and future expansion.

PERMITTED USES:

Use Unit 11, Offices, Studios and Support Services and customary accessory uses. The parking expansion 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:

No new building proposed at this time.

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. Maximum height of lighting west of building, whether building or pole mounted, shall be 16 ft. All lighting shall be pointed down and away from the adjacent residential properties.

SIGNAGE:

The site plan does not illustrate wall or ground 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.

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:

The plan displays new pedestrian paths serving the proposed parking addition adjacent to the existing 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-268-D**. 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 parking addition.

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

Mr. Covey stated that Item 10 has requested a continuance will be removed from the consent agenda.

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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** Items 1 through 9 and Items 11 through 20 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 Items 10 and 24 are requesting a continuance to January 20, 2016.

10. **LS-20841** (Lot-Split) (CD 8) – Location: Southwest corner of East 101st Street South and South 77th East Avenue

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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** LS-20841 to January 20, 2016.

24. **CVS-ERWII** – Minor Subdivision Plat, Location: Northeast corner of South Utica Avenue and East 15th Street (CD 4) (Continued from November 18, 2015 meeting) (**Staff requests a continuance to January 20, 2016 while rezoning is appealed to City Council.**)

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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the minor subdivision plat for CVS-ERWII to January 20, 2016.

25. **PUD-636-D – Matt Christensen**, Location: South of the southeast corner of West 71st Street and South Union Avenue, requesting a **PUD Major Amendment to Abandon**, (CD 2) (Continued from December 16, 2015) (**Staff requests a continuance to February 3, 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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the PUD major amendment to abandon for PUD-636-D to February 3, 2016.

PUBLIC HEARINGS:

21. **Phillips Addition** – Minor Subdivision Plat, Location: West of southwest corner of East Pine Street and North 129th East Avenue, (CD 3)

STAFF RECOMMENDATION:

The plat consists of eight lots, one block, on five acres.

The following issues were discussed December 3, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Identify all subdivisions on location map. Provide owner surveyor/engineer email addresses. Need addresses caveat. Provide all boundary line dimensions. Need addresses for all lots. Submit control data sheet. Show area of plat in 100 year floodplain area. Correct legal description. Show site in location map. Correct street names in location map. Define basis of bearing between two known points. Provide bearing from point of commencement to point of beginning. Provide symbol for pins set for plat.

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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minor subdivision plat for Phillips Addition per staff recommendation.

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22. **Dollar General 11th & Garnett** – Preliminary Plat, Location: West of southwest corner of East 11th Street South and South Garnett Road, (CD 5)

STAFF RECOMMENDATION:

The plat consists of one lot, one block, on 4.66 acres.

The following issues were discussed December 17, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS (commercial shopping).
2. **Streets:** Eleventh street is a Secondary Arterial with 50 feet of right of way requirement to center of street for full length of property line. Call out width of mutual access easement. Twelfth Street has been vacated by ordinance 12819 (5/8/73).
3. **Sewer:** On the conceptual site plan, provide the distance from the north boundary line to the existing sanitary sewer main. If a 17.5 foot utility easement will adequately protect the sewer line, then that distance will be acceptable for the required utility easement. If not, then a wider easement will be required, which will provide a minimum of 4 feet of separation from the sanitary sewer main to the south easement line. What does Abandoned East 12th Street mean? If the street has been closed, but the City retained the area for easement, then the south easement will be 20 feet instead of the 17.5 foot easement shown.

4. **Water:** On the waterline conceptual sheet, show hydrant and valve locations. On the plat show bearings and distances on the dedicated restricted waterline easement. Add Block 1 to the plat.
5. **Storm Drainage:** The site (both lots) as shown has a 14 foot drop in elevation from south to north. There is a 6 foot drop across the location where the proposed detention easement is shown. It is unclear how adequate detention volume can be obtained at this location. The location is also on the high side of Lot 1. Most of Lot 1 is below existing upper grade. Accordingly most of Lot 1 may not have the ability to discharge to the proposed detention pond. It needs to be clarified how detention can be obtained at the proposed location and will the proposed detention be for one or both lots. Drainage easements must also be provided for Lot 2 to have access to proposed storm systems in Lot 1 (there are inlets shown on Lot 2).
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** On the waterline conceptual sheet show hydrant and valve locations for Lot 2.
8. **Other: GIS:** Submit control data sheet. Provide individual lot addresses. In the plat sub-title add "State of" before Oklahoma. Graphically show property pins found or set that are associated with the plat. Provide the date of preparation for the plat located in the bottom corner. In the location map label as Interstate 44 and US highway 169. Label the project location. Not all the subdivisions are identified in the location map. Label and graphically show the point of commencement and provide bearing/distance to point of beginning. Add this into the metes/bounds (legal description). Tie the plat to the half section line or section line of Section 7 Township 19 North, Range 14 East. Define the basis of bearing between two known points. Keep current information listed under basis of bearing.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Dollar General 11th & Garnett per staff recommendation.

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23. **Z-7322 –** Plat Waiver, Location: East of northeast corner of East 21st Street and South Memorial Drive, (CD 5)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from OL (office light) to CS (commercial shopping).

Staff provides the following information from TAC for their December 17, 2015 meeting:

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

STREETS: Memorial and 21st Street are primary arterials with 60 feet of right of way dedication requirement. Additional 10 feet is required for the right turn land within 388 feet of the intersection along the section line. Total 20 foot right of way dedication required along south property line (21st Street). A 30 foot radius or corner clip is required at intersection of 19th Street and Memorial, also at intersection of 21st Street and Memorial. Sidewalks required along all streets per Subdivision Regulations. Is there an access from Memorial? Assessors map shows 5 foot strip which is not enough for access. Minimum access width is 24 feet.

SEWER: No comment.

WATER: No comment.

STORMWATER: Is there existing drainage on the property? The development will likely require drainage and detention with dedicated drainage easements. .

FIRE: No comment.

UTILITIES: No comment.

OTHER: Sidewalks shall be constructed along East 19th Street with a dedicated easement or within the right of way, with a minimum of 5 feet in width, and constructed in accordance with the specifications and standards of the City of Tulsa Public Works and Development Departments. Check with fire department to make sure hydrant coverage is sufficient. A 17.5-foot utility easement is needed along 21st Street. Limits-of-No-Access needs to be defined and approved through Traffic Engineering.

Staff can recommend **APPROVAL** of the plat waiver with conditions. The right of way, easement, and sidewalk requirements must be taken care of per Development Services approval.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?		X
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X

- | | | | |
|-----|---|---|---|
| 7. | Floodplain | | |
| | a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | | X |
| | b) Does the property contain a F.E.M.A. (Federal) Floodplain? | | X |
| 8. | Change of Access | | |
| | a) Are revisions to existing access locations necessary? | | X |
| 9. | Is the property in a P.U.D.? | | X |
| | a) If yes, was plat recorded for the original P.U.D. | | |
| 10. | Is this a Major Amendment to a P.U.D.? | X | |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | | X |
| 11. | Are mutual access easements needed to assure adequate access to the site? | | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | | X |

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

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that the former Albertson's will be demolished and his client will build a 42,000 SF Neighborhood Market on the subject site. The original store was built over the OL zoning for about 10 to 15 feet and the new building will be using a part of that site. Mr. Reynolds explained that his client didn't rezone anything along 21st Street and his client doesn't own anything along Memorial. Mr. Reynolds stated that he is in agreement with the plat waiver, but he is not in agreement with the conditions that state he will dedicate land along 21st Street and Memorial. Mr. Reynolds reiterated that his client doesn't own any land along Memorial and therefore he can't dedicate it. Mr. Reynolds stated that the roads are widened and the sidewalks are in place, the utilities are in place and there is nothing needed to make this work. Mr. Reynolds further stated that he believes that the requirements are more than is justified.

TMAPC COMMENTS:

In response to Mr. Dix, Mr. Reynolds stated that he is in agreement with all that affects him on 19th Street that touches the subject property. Mr. Reynolds stated that he is not in agreement with requirements that do not touch the subject property. Mr. Reynolds further stated that he is not in agreement with dedicating 20 feet of property to the City of Tulsa and then

a 30-foot radius at the corner that doesn't affect the subject property. Mr. Reynolds stated that his client will put in sidewalks and dedicate what is needed for 19th Street, but on 21st Street there is no connection between the subject property and this request at 21st Street. Mr. Reynolds commented that all of the utilities are in place and streets with sidewalks are in place.

Mr. Dix stated that the property requesting the plat waiver doesn't touch it, but the property of the development does touch it. Mr. Reynolds stated that is true. Mr. Reynolds further stated that his client is cleaning up the neighborhood.

Ms. Fernandez asked, on the property that Mr. Reynolds is requesting the plat waiver, will there be sidewalks and street dedication for the street plan and for their requirements of the Subdivision Regulations. Mr. Reynolds agreed he would on 19th Street. Ms. Fernandez stated that although the applicant rezoned only a part of the development to make sure the use is appropriate, they could come back and replat the whole thing properly and not be over several lot lines, etc. Ms. Fernandez further stated that staff has been favorable to a plat waiver, including Development Services staff who deal with the right-of-way and the easements, etc. as far as theory is concerned. Ms. Fernandez indicated that she is still recommending approval but the sidewalks and right-of-way are needed for at least the property under application for the plat waiver.

In response to Mr. Walker, Ms. Fernandez stated that staff is requesting the sidewalk dedication, per Subdivision Regulations for the subject parcel, along East 19th Street. Ms. Fernandez stated that staff is also requesting the right-of-way dedication as appropriate for the Major Street and Highway Plan for this particular parcel or in the alternative the applicant could plat the whole development and make it right.

Mr. Dix stated that if the sidewalks, right-of-way and the streets are already present on 21st Street then why require them. Mr. Southern stated that there are sidewalks, but he is not sure they do meet City standards. Mr. Southern further stated that the right-of-way dedication on East 21st Street is what was agreed upon at the TAC meeting. Mr. Southern stated that the requested requirements are pursuant the Major Street and Highway Plan.

Discussion ensued regarding the rezoned property and lot lines. Mr. Reynolds supplied a plat showing that all of the property for the Neighborhood Market is located in Lot 9, and there is only one lot. Mr. Reynolds stated that they are not doing anything on 21st and the City built the sidewalk and they didn't build a sidewalk that didn't to comply with their standards. Mr. Reynolds stated that the City didn't build sidewalks or

the street on someone else's property. Mr. Reeds stated that one can park on the right-of-way. Mr. Reynolds stated that it can be done with permission.

In response to Ms. VanValkenburgh, Mr. Reynolds stated that the title indicates that it is all one big piece and no lot-splits have occurred to his knowledge.

Ms. VanValkenburgh stated that the difference here is we are talking about a plat waiver and rezoning of property does trigger the platting requirement. Ms. VanValkenburgh further stated that what Mr. Reynolds is here for today is for a plat waiver. Mr. Reynolds stated that he didn't rezone property on 21st Street, but he did rezone property on 19th Street. Mr. Dix asked if there are any plans for the widening of 21st Street. Ms. VanValkenburgh stated that it is on the Major Street and Highway Plan, but where it is with the Capital Improvement schedule she is unsure.

There were no interested parties wishing to speak.

Mr. Reeds moved to approve the plat waiver for the subject property that was rezoned along 19th Street. No second.

Mr. Dix moved to approve the plat waiver per staff's recommendation only as they apply to the 19th Street requirements. No Second.

TMAPC Action; 10 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the plat waiver for Z-7322, subject to sidewalks shall be constructed along East 19th Street with a dedicated easement or within the right-of-way, with a minimum of 5 feet in width, and constructed in accordance with the specifications and standards of the City of Tulsa Public Works and Development Departments.

* * * * *

OTHER BUSINESS

- 26. Consider initiation of an amendment to the Comprehensive Plan Land Use Map from "Neighborhood Center" to "New Neighborhood" on approximately 1.11 acres on the northeast corner of East Queen Street and North Martin Luther King Boulevard.**

STAFF RECOMMENDATION:

At the December 2, 2015 public hearing, the TMAPC voted to deny a rezoning application to CS (Z-7321) and proposed PUD-842 for the 1.11 acre site on the northeast corner of East Queen Street and North Martin Luther King Boulevard. At the public hearing, TMAPC expressed concerns that the existing land use designation of *Neighborhood Center* may not be appropriate if the site was not suitable for commercial development.

The Comprehensive Plan defines Neighborhood Centers as “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.”

The TMAPC staff report asserted that the *Neighborhood Center* edge land use scenario to include apartments, condominiums, and townhouses, with small lot single family homes at the edges was appropriate given its location on an existing and stable neighborhood block; however, the proposed retail use would be an encroachment into a neighborhood that is experiencing reinvestment and stability and it would not serve as an appropriate edge treatment.

At the following meeting on December 16, 2015, TMAPC voted to request that an amendment to a *New Neighborhood* land use designation be brought back for their consideration to initiate.

Since that time, staff has learned that the consultant, Housel Lavigne, working on the Sector Plan update for that sector (Extension & Moton) is also considering a more purely residential land use designation for this site.

The Comprehensive Plan specifically allows TMAPC to initiate land use map amendments. Land Use policy 2.5 states that Land Use Plan of the Comprehensive Plan “is amended by TMAPC and approved by the City Council. Amendments can be initiated by landowners of affected property, the Planning Commission, or the City Council.”

[Note: On December 8, 2015, the applicant of Z-7321 submitted an appeal of the TMAPC’s recommendation of denial. Since PUDs are automatically sent to the City Council regardless of TMAPC recommendation, both cases are anticipated to be heard by the City Council early in 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, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the initiation of an amendment to the Comprehensive Plan Land Use Map from "Neighborhood Center" to "New Neighborhood on approximately 1.11 acres on the northeast corner of East Queen Street and North Martin Luther King Boulevard.

27. Election of Officers

Mr. Covey stated that the present Officers have all agreed to continue in their positions except for Mr. Stirling who no longer would like to continue as secretary. Mr. Covey stated that Ms. Millikin was the only one to agree to hold the secretary office.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the following nominees for TMAPC Officers for 2016 and waive the election TMAPC Policies and Procedures: Chair, Michael Covey; 1st Vice Chair, John Dix; 2nd Vice Chair, John Shivel; Secretary, Margaret (Peggy) Millikin.

28. Commissioners' Comments: None.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget "absent") to **ADJOURN** TMAPC meeting 2713.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:11 p.m.

Date Approved:

01-20-2016


Chairman

ATTEST: 
Secretary