

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2723

Wednesday, June 1, 2016, 1:30 p.m.

City Council Chamber

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

| Members Present | Members Absent | Staff Present | Others Present        |
|-----------------|----------------|---------------|-----------------------|
| Carnes          | Walker         | Fernandez     | Blank, Legal          |
| Covey           | Willis         | Hoyt          | Ling, COT             |
| Dix             |                | Miller        | VanValkenburgh, Legal |
| Fretz           |                | Sawyer        | Warrick, COT          |
| Midget          |                | White         | Gates, COT            |
| Millikin        |                | Wilkerson     |                       |
| Reeds           |                |               |                       |
| Shivel          |                |               |                       |
| Stirling        |                |               |                       |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 26, 2016 at 1:45 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:

### Chairman's Report:

**Worksession Report:** Mr. Covey announced a worksession will be held June 15, 2016 to discuss 2016 Comprehensive Plan Housekeeping Amendments and Adopted Small Area Plan Review

### Director's Report:

Ms. Miller reported on the City Council agenda and actions taken. Ms Miller also stated discussion work has begun on the Subdivision Regulation update and Kirk Bishop will be here at the next meeting to give a status report.

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1. **Minutes:**

Minutes of May 18, 2016, Meeting No. 2722

**Approval of the minutes of May 18, 2016 Meeting No. 2722**

On **MOTION** of **Dix**, the TMAPC voted 7-0-2 (Carnes, Covey, Dix, Fretz, Midget, Reeds, Shivel “aye”; no “nays”; Millikin, Stirling “abstaining”; Walker, Willis “absent”) to **APPROVE** the minutes of the meeting of May 18, 2016 Meeting No. 2722.

**CONSENT AGENDA**

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

2. **LC-774** (lot-Combination) (CD 4) – Location: Northwest corner of East 11<sup>th</sup> Street South and South Atlanta Avenue
3. **LS-20883** (Lot-Split) (CD 4) – Location: East of the northeast corner of East 27<sup>th</sup> Place South and South Lewis Avenue (related to: LC-775)
4. **LC-775** (Lot-Combination) (CD 4) - Location: East of the northeast corner of East 27<sup>th</sup> Place South and South Lewis Avenue (related to: LS-20883)
5. **LC-777** (Lot-Combination) (CD 8) – Location: Northeast corner of East 73<sup>rd</sup> Street South and South Yale Avenue
6. **LC-778** (Lot-Combination) (CD 9) – Location: Southwest corner of East 36<sup>th</sup> Place South and South New Haven Avenue
7. **LC-779** (Lot-Combination) (CD 4) – Location: South of the southwest corner of East 13<sup>th</sup> Street South and South Peoria Avenue
8. **LS-20886** (Lot-Split) (CD 7) – Location: South and East of the southeast corner of East 71<sup>st</sup> Street South and Highway 169
9. **Reinstatement of plat-** BlueFlame 47 Addition, Location: East of South Garnett Road, South of East 171<sup>st</sup> Street South, (County)
10. **Reinstatement of plat-** Olson Industrial II Addition, Location: Southwest corner of East Pine Street and 129<sup>th</sup> East Avenue, (CD 3)

11. **Change of Access** – Lot 1, Block 1, Shadow Mountain Racquet Club, Location: West of southwest corner of East 61<sup>st</sup> Street South and South Memorial Drive, (CD 7)

**Lot 1, Block 1, Shadow Mountain Racquet Club**

This application is made to allow a change of access to shift accesses along East 61<sup>st</sup> Street South. The property is zoned RS-3 with pending CS zoning.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted

12. **11<sup>th</sup> Street Commerce Park (Dollar General 11<sup>th</sup> and Garnett)** – Final Plat, West of southwest corner of East 11<sup>th</sup> Street South and South Garnett Road, (CD 5)

This plat consists of 2 Lots, 1 Block, on 4.66 acres.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** Items 2 through 12 per staff recommendation.

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**PUBLIC HEARINGS:**

Ms. Millikin read the opening statement and rules of conduct for the TMAPC meeting.

13. **LS-20885** (Lot-Split) (County) – Location: South of the southeast corner of East 191<sup>st</sup> Street South and South Harvard Avenue

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

The Technical Advisory Committee met on May 19, 2016, and had the following comments. A 50' right-of-way Easement is needed along South Harvard Avenue. Also, there were errors in the legal description, the surveyor submitted changes and they have been corrected.

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

**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 **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** lot split LS-20885 per staff recommendations.

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- 14. LS-20887** (Lot-Split) (County) – Location: North and West of the northwest corner of East 156<sup>th</sup> Street North and North 97<sup>th</sup> East Avenue (North Mingo Road)

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

The Technical Advisory Committee met on April 7, 2016 and had the following comments. A 50' right-of-way Easement is needed along East 156<sup>th</sup> Street North and North Mingo Road. If a structure is built on the any of the properties fire access and fire hydrant coverage will be required per the International Fire code. Washington County Rural Water District #3 will serve the tracts. They had the following comments: The meter for Tract 1 sits on Tract 2. If one or the other, Tract 1 or Tract 2, ever sells to another party, arrangements will have to be made for service at that time. Each tap requires a copy of the General Warranty Deed, DEQ form 581 with log number, application for service by landowner with membership fee. Property lines must be surveyed, staked and pinned.

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

Mr. Dix asked about the use of the long panhandle shape on tract 2.  
Applicant stated the long panhandle is for driveway access if land is ever sold.

**Charles Barker** 9500 East 159<sup>th</sup> Street North, Collinsville, OK 74102

Mr. Barker states his south property line abuts the applicant's north property line. Mr. Barker is opposed to this Lot Split because if the restrictions are removed this would open the property up to be sold for smaller and smaller lots.

Mr. Dix asked what restriction was Mr. Barker referring.

Mr. Barker stated he was referring to the waiver of Subdivision Regulation that no lot has more than three lot lines and if that waiver is lifted the property would be opened up to pie shape lots and other shaped lots.

Mr. Dix stated that the lot line restricted was the only restriction being waived and that was a legitimate issue but that created a situation with the lot having more than four lot lines. Mr. Barker further states that the application does not limit the waiver to lot 2 rather the waiver is for the entire application and lifting the waiver makes it easier for other lot splits to occur.

Mr. Dix states he understands what Mr. Barker is thinking but that is not the intent.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** lot split LS-20885 per staff recommendations.

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- 15. CVS-ERWII** – Minor Subdivision Plat, Location: Northeast corner of South Utica Avenue and East 15<sup>th</sup> Street (CD 4) (Continued from November 18, 2015, January 6, 2016, January 20, 2016, February 17, 2016, April 6, 2016, and May 18, 2016 meetings.)

The plat consists of 1 Lot, 1 Block, on 1.1 acres.

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

- 1. Zoning:** The property is zoned Planned Unit Development 437 A.
- 2. Streets:** Provide reference for right of way such as plat number or book/page number. Corner clip at both intersections must be 35.35 feet. Include standard right of way dedication language in the covenants. Include standard sidewalk language in the covenants.
- 3. Sewer:** No comment.
- 4. Water:** Label the existing right of ways on South Utica Avenue and East

14<sup>th</sup> Place South.

5. **Storm Drainage:** Storm drainage shall conform to existing conditions as much as reasonably possible unless doing so would cause drainage issues.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
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/subdivision. Need address caveat/disclaimer added. Tie plat to a section corner. Show point of commencement and add to legal description. Provide owner address, phone number under owner information. Under the engineer information please provide the C.A. number and expiration date along with an email address. Not all subdivisions identified in the location map. Above plat title add Minor Subdivision Plat. City Legal comments must be addressed and the plat must meet their approval. Easements must be relocated to be in line with approved site plan. Access must be limited per approved site plan.

Staff recommends **APPROVAL** of the minor subdivision plat with the TAC recommendations and the special and standard conditions listed below and subject to Legal review comments being addressed.

#### **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 therefore 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 therefore 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.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **Midget**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** the Minor Subdivision Plat per staff recommendations.

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16. **Mayra's Addition** – Minor Subdivision Plat, Location: East of the northeast corner of East 21<sup>st</sup> Street South and Memorial Drive (CD 5) (Continued from April 20, 2016, May 4, 2016, and May 18, 2016 meeting.)

The plat consists of 1 Lot, 1 Block, on 1.1 acres.

The following issues were discussed April 7, 2016, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned .OL (office light).
2. **Streets:** Right of way access locations and LNA s shown on the face of plat are different from those on building plans. 21<sup>st</sup> Street is primary arterial with 60 feet of right of way required from centerline. Existing right of way is 50 feet. Provide reference such as plat # or book/page #. Additional 10 feet of right of way dedication required. Building plan sheet shows 51.74 foot access. According to predevelopment minutes, only one access is allowed. Delete section on mutual access easement from covenants. This is a one lot, one block subdivision and no mutual access easement is required. Delete street name from sidewalk section in covenants.



3. **Sewer:** The existing sanitary sewer main located adjacent to the north boundary line of the plat is available for sewer service connection.
4. **Water:** On the conceptual plan show the existing 36 inch water main line 30 foot offset from the centerline of east 21<sup>st</sup> Street South.
5. **Storm Drainage:** Show the increase of impervious surfaces. Provide a drainage report that shows a detention is adequate to accommodate the increase runoff or fees in lieu of detention will be considered. A swale on the east side will need to be constructed to move storm water to 21<sup>st</sup> Street storm sewer system.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Provide the address caveat/disclaimer statement with the plat. Provide an email address for the engineer and surveyor. Provide the bearing angle graphically from the point of commencement to the point of beginning. Use the southwest corner of section 12 as the POC and the southwest corner of the plat as the POB. The bearing angles will be reversed. Reword the legal description to match. Define the basis of bearing between two known points. Provide the bearing angle under the heading Basis of Bearing. Add the word South to end of East 11<sup>th</sup> Street in the location map. Dennis Semler's name is misspelled under the "Certificate of County Treasurer". Not all the subdivisions are identified in the location map. Some boundaries are not drawn correctly. Label all unplatted areas. Some subdivision names are misspelled. Label project location in the location map with a leader line and the words "Project Location". The proposed Storm Sewer inlet and line that tie into the public storm sewer must be constructed with a minimum 15 inch reinforced concrete pipe line and requires a storm sewer easement with a minimum width of fifteen feet. These proposed storm sewer connections need to meet City of Tulsa standards and specifications to be addressed by right of way and commercial building permits, otherwise a customized system will require an IDP permit. Replace all broken sidewalks especially along East 21<sup>st</sup> Street South within the right of way with a minimum of five feet in width, and constructed in accordance with the specifications and standards of the City of Tulsa public works and development departments. An SW3 will be required for the commercial building permit since more than an acre will be disturbed. Provide reference on face of plat for the existing right of way dedication of fifty feet along East 21<sup>st</sup> Street South with reference of plat # and/or book and page number. The proposed limits of Access of the site plan and proposed plat need to match. A License Agreement is required for the existing brick column fence within the right of way if it is not proposed to be demolished. All City Legal comments must be addressed and approved before final signatures are received.

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 therefore 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 therefore 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.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** the Minor Subdivision Plat per staff recommendations.

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**17. Authorization for an Accelerated Building Permit:** Olsen Industrial II,  
Location: Southwest corner of East Pine Street and 129<sup>th</sup> East Avenue, (CD  
3)

The property is zoned IL (industrial light). Full permits are requested. A preliminary subdivision plat is an item for consideration of reinstatement on the same agenda. The preliminary plat was approved for the property on January 8, 2014.

Review of this application must focus on the extraordinary or exceptional circumstances that extend the normal processing schedule and on the benefits and protections to the City that may be forfeited by releasing the Building Permit prior to filing of the final plat and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: "The development is for a light industrial use with a tight construction schedule. The property is encumber(ed) with regulatory flood plain and requires corp permitting which will extend the final plat review time. An accelerated release would allow building construction to begin while those processes are finalized." "The development for a light industrial use would be done at risk to the development, and a Certificate of Occupancy would be withheld until final plat approval."

***The following information was provided by the Technical Advisory Committee in its meeting May 19, 2016:***

***ZONING:***

- *TMAPC Staff:* Full permits are requested. As no progress has been made since the January 8, 2014 preliminary plat approval, the plat needs to be reinstated before the Accelerated Building Permit can be considered. There is floodplain on the site.

***STREETS:***

- *Transportation:* Additional 8 feet of right of way required along Pine for 388 feet from centerline of 129<sup>th</sup> East Avenue. Corner radius of 25 feet required at intersection. Five foot wide sidewalks are required along both streets.

***SEWER:***

- *Waste Water:* Sanitary sewer main extension required. Easement is required for extension.

**WATER:**

- *Water:* No comments.

**STORM DRAINAGE:**

- *Storm Water:* The site is located within the City regulatory flood plain which will require an easement and the site plans are showing an on-site detention facility which will require an easement. The subject property is located within the Eagle Creek – City of Tulsa Regulatory Floodplain (Panel 31). The site plan should include the delineated floodplain boundaries. All development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11-A and Title 51. Any proposed changes to the floodplain boundaries would require Floodplain Map revisions.

**FIRE:**

- *Fire:* No comments.

**UTILITIES:**

- *Franchise Utilities:* No comments.

**The accelerated building permits were originally designed to accommodate large campus style type of developments, and developments offering little risk to the City, and should concentrate upon “the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat”.**

**This request does not appear to demonstrate the extraordinary or exceptional circumstances or benefits to the City per the Subdivision Regulations for the site development. The plat has not had activity through the platting process since its’ approval in 2014. The development in the floodplain should require careful staff review.**

**Staff recommends Denial.**

Mr. Fretz asked staff if the Planning Commission approved this Accelerated Building Permit would the applicant have to put up any kind of bond to ensure that everything was done correctly by the applicant.

Staff stated no.

Applicant stated they are asking for the Accelerated Building Permit so they can prevent the lag time between the Infrastructure Development Plan and the Final Plat. This will allow the applicant to put in footing and start stem walls and grading.

Mr. Reeds asked if the applicant had discussed with staff the option of putting up a bond in the event applicant's preliminary work is different than plan.

Applicant stated that a bond was never discussed. Construction is at the applicant's own risk and the applicant understands that but what they are asking is to eliminate the risk of the time lag that happens between IDP approval and filing the plat.

Ms VanValkenburgh stated that the applicant would not be able to get a certificate of occupancy until after the entire Infrastructure is complete.

Mr. Dix stated the floodplain doesn't affect the building itself.

Applicant stated that it does not affect the building and it's a very shallow floodplain.

Mr. Dix asked applicant how many jobs are involved in what is going to be built.

Applicant stated fifty.

Mr. Dix stated if it was an individual trying to get an accelerated building permit on a house he would be reluctant to approve but since the applicant is an engineer his license is at risk.

Mr. Fretz stated he would support staff recommendation he believes there would be more problems for the City than benefits.

Mr. Reeds stated he would support an early start foundation permit as an amendment.

Mr. Ling stated the Accelerated Building Permit can be issued after the IDP is approved, an early foundation permit can be approved and he can do landscaping and foundation but no building.

**TMAPC Action; 9 members present:**

1. On **MOTION** of **DIX**, TMAPC voted **7-2-0** (Carnes, Dix, Midget, Millikin, Reeds, Shivel, Stirling "aye"; Covey, Fretz "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** the Accelerated Building Permit to the extent of grading, footing, foundation and subgrade plumbing, to be released upon approval of the Infrastructure Development Plans.

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18. **Z-7338-Geodeca, LLC/Russell Muzika**-(CD 6) Location: Southwest corner of East 21<sup>st</sup> Street and South 109<sup>th</sup> East Avenue requesting rezoning from **OM/CS to CS**.(Continued from May 4, 2016 and May 18, 2016 per City Councilors(Applicant has withdrawn this application)

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19. **Z-7331-Dr. S. Lee Hays**-(CD 9) Location: North of the northwest corner of South Columbia Avenue and Skelly Drive requesting rezoning from **RS-1 to OM**.(Continued from April 20, 2016 and May 18, 2016)(Applicant has requested a continuance to June 15, 2016)

**TMAPC Action; 9 members present:**

On **MOTION** of Millikin, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **CONTINUE** Case No. Z-7331 to **June 15, 2016**

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20. **Z-7340-F. Darren Francisco**-(CD 2) Location: North of the northwest corner of South 57<sup>th</sup> West Avenue and West 22<sup>nd</sup> Street South requesting rezoning from **RS-3 to IL**.

**SECTION I: Z-7340**

**DEVELOPMENT CONCEPT:**

**DETAILED STAFF RECOMMENDATION:**

The proposed zoning map amendment is not consistent with the policy of the previously approved comprehensive plan and;

Z-7340 requesting light industrial zoning is not compatible with the existing surrounding property on the north, west and south and;

The existing facility was constructed without appropriate zoning approval when it was in the county. At that time the use was not consistent with the provisions of the land use designations identified in Vision 2000 Comprehensive Plan therefore;

**Staff recommends Denial of Z-7340 to rezone property from RS-3 to IL.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Staff Summary: This area of Tulsa was annexed in 2012 after adoption of the Tulsa Comprehensive Plan. The Comprehensive Plan has not been updated to include this area. The only Comprehensive plan reference is the Vision 2000 plan. Part of the staff analysis includes references to that plan.

The area was assigned RS-3 zoning in 2014 after the property was annexed by the City of Tulsa. RS-3 zoning is consistent with the previously approved county zoning on the parcel. Aerial photo imagery illustrates that in 2013 the trees and vegetation were cleared from the site and gravel was placed on this property which had been previously zoned residential in the County. The property included in the request has never been zoned or included in a comprehensive plan that would support the requested zoning change.

#### Land Use Vision:

District 9: The vision 2000 plan illustrates this area as a Low Intensity Development area which does not include any non residential uses and a maximum of 6 dwelling units per acre.

Refer to the snippet below from the Vision Plan for detailed goals and objectives of the residential area of the plan.

### **4.3 Residential Areas**

#### **4.3.1 GOALS**

4.3.1.1 The stabilizing of residential neighborhoods.

4.3.1.2 The provision of a variety of residential styles and intensities from farms to multifamily.

4.3.1.3 The provision of quality neighborhoods with all of the needed services and facilities.

#### **4.3.2 OBJECTIVES**

4.3.2.1 The public streets and facilities in the residential areas of District 9 should be given a high level of maintenance attention for the stabilizing influence that would result.

4.3.2.2 Existing residential neighborhoods should be given every possible public sector assistance toward stability of quality and property values on an individual, volunteer basis.

4.3.2.3 The enforcement of existing regulations and the correction of zoning discrepancies for the improvement of existing neighborhoods.



Transportation Vision:

*Major Street and Highway Plan:* This area was annexed in anticipation of the Gilcrease Expressway expansion.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

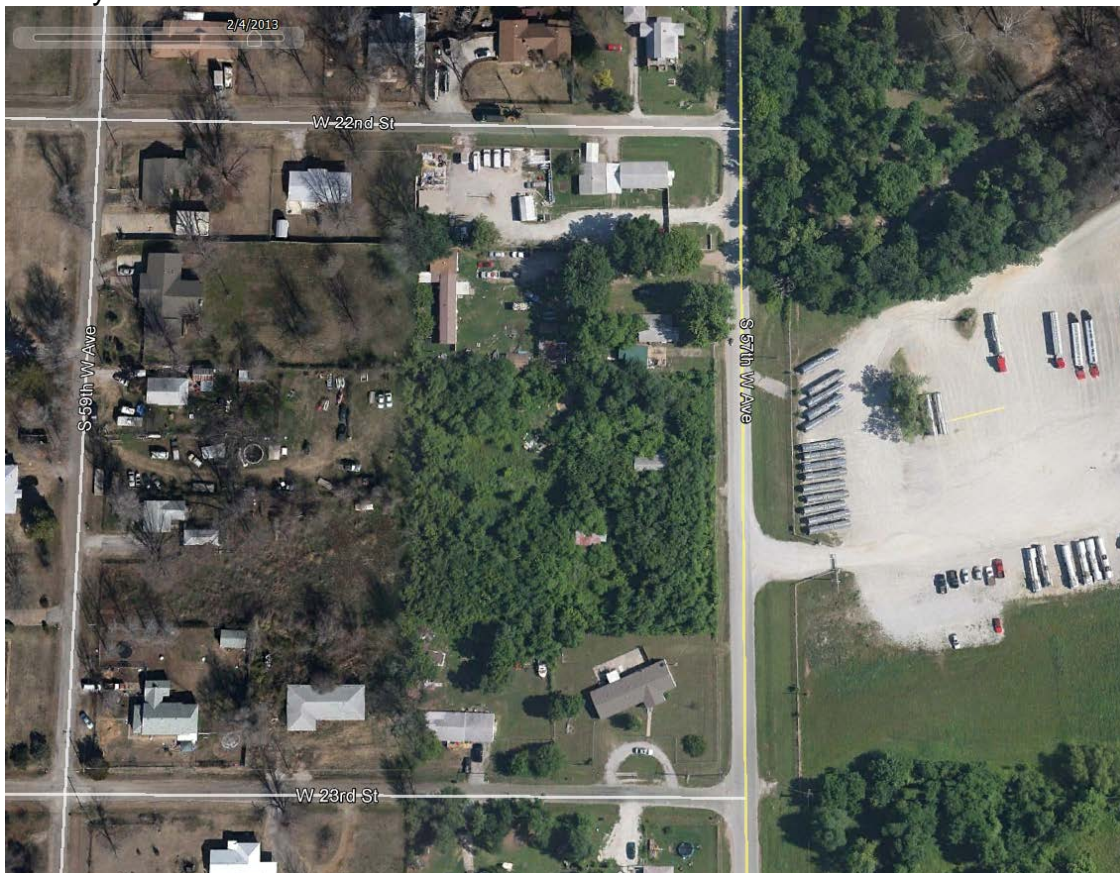
Special District Considerations: None

Historic Preservation Overlay: None

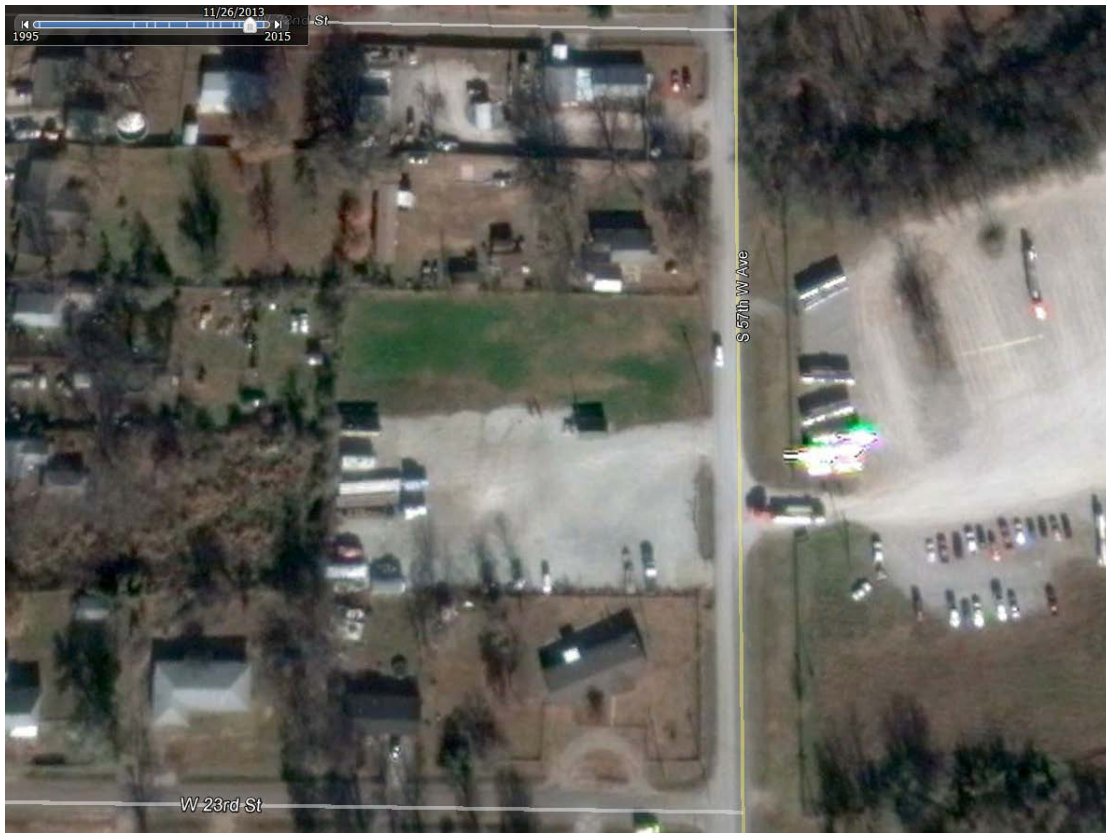
DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:*

Aerial Imagery shown on the next page is dated February 4, 2013 and shows the site as a heavily wooded site. At that time the site was zoned RS in Tulsa County.



Aerial Imagery dated November 26, 2013 shows the site as a gravel parking lot.



Environmental Considerations: The existing site is surrounded on three sides with residential uses. The existing gravel lot creates a dust nuisance to the surrounding residential properties on the north, west and south. At this time there are no other known environmental considerations.

Streets:

| <u>Exist. Access</u>               | <u>MSHP Design</u>    | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------------|-----------------------|-----------------|-----------------------|
| South 57 <sup>th</sup> West Avenue | Residential Collector | 60              | 2                     |

Utilities:

The subject tract has municipal water available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use  |
|----------|-----------------|-------------------------------|-----------------------------|---------------|
| North    | RS-3            | NA                            | NA                          | Single Family |

|       |             |    |    |                    |
|-------|-------------|----|----|--------------------|
|       |             |    |    | Residential        |
| West  | RS (County) | NA | NA | Residential        |
| South | RS-3        | NA | NA | Residential        |
| East  | IL          | NA | NA | Gravel Storage Lot |

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 23084 dated April 23, 2014, established zoning for the subject property.

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

**Z-7253 April 2014:** All concurred in **approval** of a request for *rezoning* 77± acres of land from AG to RS-3/ IL/ IM to establish the previous zoning for property that was recently annexed into the City of Tulsa as AG, on property located in the Berryhill Annexation area and includes the subject property.

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

**CBOA-323 January 21, 1983:** The Board of Adjustment **upheld** the decision of the Building Inspector which **denied** the appeal of the Building Inspectors decision, to permit a dog kennel in an RS district, and to allow the applicant 120 days in which to dispense with the present operation, on property located at 5729 W. 22<sup>nd</sup> St. and located northwest of subject property.

**CBOA-308 December 17, 1982:** The Board of Adjustment **denied** a *Variance* to operate a dog training and boarding kennel, on property located at 5729 W. 22<sup>nd</sup> St. and located northwest of subject property.

Mr. Covey asked staff about property in the area already zoned IL and how it compares to the Comprehensive Plan. Staff states the area on east zoned IL would not have satisfied the vision in this low impact area in the old Comprehensive Plan. Mr. Reeds asked if the trucking company is existing non-compliance. Staff states yes. Ms. VanValkenburgh asked if the trucking company was ever in compliant, staff states no. Staff states before annexation the property was RS but came in as AG when annexed by the City of Tulsa.

Applicant stated he purchased property in 2010 and the property had old lawn mowers and junk on the property. District two Superintendent at the time Lewis Long told Applicant to clean up property and apply for a variance with Tulsa County and during the process the City of Tulsa annexed the property. Applicant states he was told that upon annexation by the City it would be zoned back in as use. Applicant states he put up a security light on the property and a complaint was filed with the City. City Inspector came out to property

**Johnnie Blaylock** 2208 South 57<sup>th</sup> West Avenue, Tulsa OK 74107

Mr. Blaylock stated he lives next to the property after applicant removed the trees there was a dust problem, and there is an industrial light that is intrusive.

**Wayne Binger** 5719 West 22<sup>nd</sup> Street, Tulsa, OK 74107

Mr. Binger stated the property had an abandoned house on it and was an area for drug use. Mr. Binger stated the property had small elm trees which took away from the property value. Mr. Binger stated he was an Arborist for thirty years. Mr. Bingham further states the property is well maintained by the applicant.

**Amy Sherrick** 4641 South 60<sup>th</sup> West Avenue, Tulsa, OK 74107

Ms. Sherrick stated she doesn't live next to the property but has a rent house next to it. Ms. Sherrick opposes it because this is a residential neighborhood and there is a lot of noise from the trucks.

Applicant stated there are other businesses in the neighborhood such as an auto shop, plumbing company and air conditioner company. Applicant stated he is willing to do whatever needed to run a commercial business from this property and whatever he needs to do to keep the neighbors happy.

Mr. Dix stated the property owners in the area need to clean their properties up there is junk cars, weeds and overgrown grass on the other properties. Mr. Dix further stated the Planning Commission takes a dim view of people doing what they want when they want and applicant should have been in contact with the City and received permits to operate the commercial business from this property.

Mr. Covey stated this is a mess we have a Comprehensive Plan that seems to be in conflict in numerous areas, there are trucking companies that have been in the neighborhood for numerous years, there are lots with multiple cars on them we have neighbors living in CS zoning.

Staff stated if the Planning Commission approves the IL zoning there is fencing requirements and it would also trigger a plat so there would have to be a plat or a plat waiver request. There would need to be discussion about whether this needs to be a hard parking surface instead of gravel because motorized vehicles are parked here and that would trigger stormwater detention.

Mr. Dix asked if applicant was informed of all the requirements associated with the IL zoning. Mr. Wilkerson stated he had not talked to him directly about this.

Mr. Reeds asked if this IL rezoning is approved does that mean the other IL zoned neighbors would have to pave their parking also. Mr. Wilkerson stated that the only time that is enforced is if there is a complaint to Working in Neighborhoods.

Ms Miller states the area needs a long term solution in the form of a small area plan. This area needs, some updated longer land use evaluation that no one has had the time to do. She stated that staff doesn't know how to make sense of it either since there are businesses scattered all over the residential area. Ms. Miller stated another option could be an Optional Development Plan.

Mr. Dix asked applicant if is ready to take on the responsibilities of the requirements that come with the IL zoning with Optional Development Plan.

**TMAPC Action; 9 members present:**

On **MOTION** of Dix, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **CONTINUE** Case No. Z-7340 to July 6, 2016 to allow for submittal of an **Optional Development Plan**

\* \* \* \* \*

21. **Z-7341-Hayden Greene**-(CD 9) Location: East of northeast corner East 27<sup>th</sup> Street South and South Harvard Avenue requesting rezoning from **OL to CH**.

**SECTION I: Z-7341**

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject lots from OL to CH to permit a carwash. The western portion of the subject lots is currently within the CH zone.

**DETAILED STAFF RECOMMENDATION:**

The rezoning request included in Z-7341 is consistent with the land use vision in the Tulsa Comprehensive Plan and,

Rezoning request is non-injurious to the existing proximate properties and,

CH rezoning requested is consistent with the anticipated future development of the surrounding property therefore,

**Staff recommends Approval of Z-7341 to rezone property from OL to CH.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: CH zoning is consistent with the Town Center land use designation of the Comprehensive Plan.*

**Land Use Vision:**

*Land Use Plan map designation:* Town Center  
Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments,

condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

*Areas of Stability and Growth designation: Area of Growth*

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

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

Transportation Vision:

*Major Street and Highway Plan:* South Harvard is a secondary arterial street and currently provides access to the existing site, along with East 27<sup>th</sup> Street South, which does not have a MSHP designation.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The western portion of the proposed car wash site was formerly the site of Trippet's Shoes. The eastern portion consists of existing parking areas and a former office/single family home.



Environmental Considerations: No known environmental constraints affect the site.

Streets:

| <u>Exist. Access</u>               | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------------|--------------------|-----------------|-----------------------|
| East 27 <sup>th</sup> Street South | None               | 50 feet         | 2                     |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use           |
|----------|-----------------|-------------------------------|-----------------------------|------------------------|
| North    | CH              | Town Center                   | Growth                      | Automotive Repair      |
| East     | OL              | Town Center                   | Growth                      | Office                 |
| South    | OL              | Mixed-Use Corridor            | Growth                      | Retail Building        |
| West     | CH              | Town Center                   | Growth                      | Vacant Retail Building |

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

**ZONING ORDINANCE:** Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-18904 November 14, 2000:** The Board of Adjustment approved a Special Exception to permit an auto painting shop within 150 ft. of an R district, on conditions that all painting and related activities be conducted within the building, all permits, licenses and inspections be obtained, and all access from Harvard Ave., on property located north of the northeast corner of S. Harvard Ave. and E. 27<sup>th</sup> St., also known as 2615 S. Harvard and included the subject property.

***Surrounding Property:***

**Z-7313/ PUD-841 October 29, 2015:** All concurred in approval of a request for rezoning a .34± acre tract of land from OL to CG and a Planned Unit

Development for indoor storage of a private automobile collection, on property located East of the southeast corner of S. Harvard Ave. and E. 27<sup>th</sup> St. S.

**Z-7194 March 2012:** All concurred in approval of a request for rezoning a 14,810± square foot tract of land from RS-3 to OL for office use, on property located east of southeast corner of East 27<sup>th</sup> Street and South Harvard Avenue.

**Z-7145 January 2010:** All concurred in approval of a request for rezoning a 7,500± square foot tract of land from RS-3 to OL for a small office on property located east of northeast corner of South Harvard Avenue and East 27<sup>th</sup> Street.

**PUD-621 November 1999:** All concurred in approval of a proposed Planned Unit Development on a 2.5± acre tract of land for office and commercial development on property located on the southeast corner of East 27<sup>th</sup> Street South and South Harvard Avenue and abutting west of subject property.

Applicant stated there are two accesses, one is on 27<sup>th</sup> Street and the other is on South Harvard Ave.

**Timothy B. Murphy** 3321 E 27<sup>th</sup> Tulsa, OK 74104

Mr. Murphy states he owns the business to the east of the proposed zoning change property the company name is Mineralogy INC. Mr. Murphy further stated he felt the change in zoning to allow a car wash would cause his property value to decrease. Mr. Murphy is also concerned about the property not being maintained adequately.

Applicant stated the properties he has a contract with does not abut Mr. Murphy's property. Applicant stated the car wash will have personnel onsite during business hours of 7 a.m. to 8 p.m.

Mr. Dix asked Mr. Murphy if the next house east of Mr. Murphy's business is his residence. Mr. Murphy stated it is not his residence but is a residential home.

Mr. Midget stated his concern about approving the rezoning of the hourglass collision property without the property owner present. Mr. Covey asked Ms VanValkenburgh if the Planning Commission could approve the rezoning on the property without the owner present. Ms. VanValkenburgh stated yes if property owner gave approval to applicant.

**TMAPC Action; 9 members present:**

On **MOTION** of **Millikin**, TMAPC voted **8-1-0** (Carnes, Covey, Dix, Fretz, Millikin, Reeds, Shivel, Stirling "aye"; Midget "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** rezoning from **OL to CH** per staff recommendations.



**Legal Description of Z-7341:**

Lots 8, 9 and 10, Block 6, KIRKMOORE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Items 22 and 23 were presented together

- 22. PUD-386-C-Nathan Cross**-(CD 7) Location: North of northeast corner of South Memorial Drive East and East 91<sup>st</sup> Street requesting PUD Abandonment.(Related to Z-7342)

**SECTION I: PUD-386-C Abandonment**

**DEVELOPMENT CONCEPT:**

Refer to concept outlined in Optional Development Plan with Z-7342

**DETAILED STAFF RECOMMENDATION:**

Abandonment of PUD 386 with a concurrent CG zoning request with an Optional Development Plan are consistent with the Town Center land use designation of the Comprehensive Plan and;

Abandonment of PUD 386 with a concurrent CG zoning request without an Optional Development Plan is not compatible with the surrounding existing property and;

Abandonment of PUD 386 with a concurrent CG rezoning request with the Optional Development Plan as outlined in case #Z-7342 is compatible with the existing surrounding properties and;

Abandonment of PUD 386 with a concurrent CG rezoning request with the Optional Development Plan as outlined in case #Z-7342 is consistent with the expected future development and:

**Staff recommends Approval of the Abandonment of PUD 386 by approving PUD 386-C but only if the related rezoning case # Z-7342 with the Optional Development Plan is approved.**

**SECTION II: Supporting Documentation**

Staff note:

The supporting documentation is outlined in Case #Z-7342. That case supports the PUD abandonment request.

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

**ZONING ORDINANCE:** Ordinance number 22106 dated August 20, 2009 (PUD-386-B), and 18601 dated December 19, 1995 (CS), and 16950 dated February 29, 1988 (RM-1), and 11829 dated June 25, 1970 (AG), established zoning for the subject property.

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

**BOA-21136 September 24, 2010:** The Board of Adjustment **approved** a *Variance* of the parking requirement for an existing church and broadcasting studio, on property located at 8835 S. Memorial Dr. and also known as the subject property. The Board finds this property of commercial use is permitted in a Development Area A. Development Area C is limited to open space, recreational and storm water management which limits the probability of additional parking spaces. The Board also finds that the church services are principally limited to weekends, whereas, this recording studio is to be limited to Monday through Friday only. The Board finds that the parking lot will be restriped giving a total of 127 spaces which should be sufficient with the two entities operating at different times; subject to page 6.6, date July 19, 2010 enumerating the hours for the two entities.

**PUD-386-B August 2009:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 7± acre tract of land to add place of worship within Use Unit 5 only to Development Area B, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and also known as the subject property.

**BOA-18242 November 10, 1998:** The Board of Adjustment **approved** a *Special Exception* to amend a previously approved site plan, per plan submitted, on property located at 8835 South Memorial and the subject property.

**BOA-18077 June 9, 1998:** The Board of Adjustment **approved** a *Special Exception* to permit a TV transmission tower of a three legged, lattice designed in an RM-1/PUD zoned district per plan submitted today, on property located at 8835 South Memorial and the subject property.

**Z-6508/PUD-386-A November 1995:** A request to *rezone* a 13.9 acre tract from RM-1/AG/PUD-386 to CS/PUD-386-A for commercial uses, located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial and also known as the subject property. All concurred in **approval** of a request to *rezone* the south 130' of the west 410' to CS and denial of the balance and approval of PUD-386-A with modifications made by staff.

**Z-6022 February 1988:** All concurred in approval of a request for rezoning a 10± acre tract of land from AG to RM-1 accompanied with PUD-386, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and also known as the subject property.

**PUD-386 February 1988:** All concurred in **approval** of a proposed *Planned Unit Development* on a 14± acre tract of land for office use, excluding medical offices, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and also known as the subject property.

***Surrounding Property:***

**PUD-805 February 2014:** All concurred in **approval** of a proposed *Planned Unit Development* on a 2± acre tract of land for car wash and office, on property located east side of S. Memorial Dr. at E. 87<sup>th</sup> Ct. and abutting north of subject property.

**Z-7227 July 2013:** All concurred in denial of a request to *rezone* a 2± acre tract of land from AG to CS and **approval** of OL, on property located on the east side of South Memorial Drive at East 87<sup>th</sup> Court.

**Z-6516 January 1996:** All concurred in **approval** of a request to *rezone* a 4.17+ acre tract of land from CS to OL for mini-storage on property located north of northwest corner of East 91<sup>st</sup> Street South and South Memorial Drive.

**Z-6475/PUD-529 January 1995:** A request to *rezone* a 4± acre tract from AG to CS and a proposed *Planned Unit Development* was made for a mini-storage facility. Staff recommended denial of CS zoning and approval of OL with accompanied PUD. TMAPC and City Council concurred in **approval** of CS zoning and the PUD on property located north of northwest corner of East 91<sup>st</sup> Street South and South Memorial Drive.

**PUD-448 May 1989:** All concurred in **approval** of a proposed *Planned Unit Development* on a 32.6+ acre tract for mixed use development on property located on northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive

23. **Z-7342-Nathan Cross-**(CD 7) Location: North of northeast corner of South Memorial Drive East and East 91<sup>st</sup> Street requesting rezoning from **RM-1/CS** to **CG** with **Optional Development Plan**.(Related to PUD-386-C)

**SECTION I: Z-7342**

**APPLICANTS DEVELOPMENT CONCEPT:**

**BACKGROUND**

The parcels at issue in this application (the "Subject Parcels") were originally platted as Carman Ministries, Inc. Headquarters by Plat No. 4885, recorded June 1, 1992. Since that time, the Subject Parcels have been comprised of one (1) undeveloped lot fronting Memorial Drive and a second lot with a two (2) story commercial office building to the (east) housing the offices of Lesea Broadcasting and other tenants.

The Subject Parcels are predominantly zoned RM-1 with a small portion of the southern western lot zoned CS. The Subject Parcels are also overlaid with PUD 386 to allow for some commercial development and the use of the office building as a church. Based on the foregoing, it is clear that, despite the RM-1 zoning designation, the Subject Parcel has been used as a commercial development for a number of years.

#### DEVELOPMENT CONCEPT

Jackie Cooper Imports of Tulsa (the "Applicant") plans to move its Infiniti dealership from its current location at 9393 S. Memorial Drive to the front half of the Subject Parcel. The Applicant houses multiple dealerships at its current location and the demands of the Applicant's suppliers dictate that the Infiniti dealership be moved to its own space in order to provide enough lot space for all of the Applicant's automobile offerings. As such, part of Subject Parcels would house a full-service Infiniti dealership with outdoor auto sales and service of Infiniti vehicles on the western 578 feet of the Subject Parcels. As depicted on the Site Plan attached as Exhibit "C", the structure housing the sales and service departments would be centrally located on the lot with open areas for display surrounding it on all sides.

The rear (east) part of the subject tract will remain as is with the existing office building. It is anticipated that modifications to the existing parking lot will be required to accommodate the dealership construction. No development will be done east of the existing office building. Access to the office building will be through a drive on the southern side of the Subject Parcels running west to east.

#### REZONING

In order to accommodate the Vehicle Sales and Service (Section 40.400) use under the Code, the Applicant is requesting a rezoning of the Subject Parcels from RM-1 and CS to CG with an Optional Development Plan. The purpose of the Optional Development Plan is to allow the use without further need for relief (e.g. – Special Exception) while restricting the allowed use on the western 578 feet to that of a car dealership with a defined Development Plan. The Applicant's relationship with Infiniti requires that Infiniti have ultimate control over the design of the facility on the Subject Property but the Applicant is happy to agree to any Development Plan that allows construction of the dealership in accordance with Infiniti's specifications.

The existing office building would remain as is without change. The Applicant would like to abandon the existing PUD 386 and its amendments and rezone the

entirety of the Subject Parcels for the purpose of developing a car dealership on the western 578 feet of the Subject Parcels.

## **SECTION II: Z-7342 WITH OPTIONAL DEVELOPMENT PLAN:**

### **DEVELOPMENT PLAN STANDARDS:**

#### **Use Limitation:**

All uses and customary accessory uses as allowed by right in a CS zoned district would be allowed on the entirety of the Subject Parcels.

Vehicle Sales and Service uses as allowed by right in a CG zoned district shall be limited to the western 578 feet of the Plan Area. No other use would be allowed on the Subject Parcels.

Parking will not be allowed and trees will not be removed for construction of any kind in the Tulsa Regulatory Floodplain on the north and east areas of the Plan area.

#### **Lot and Building Regulations:**

Minimum Lot Area: None

Minimum Street Frontage: 50 feet

Maximum Floor to Area Ratio: .50

Minimum Building Setback from Street: 10 feet

10 feet plus 1 foot for every 2 feet of building height above 15 feet

Consistent with the allowed Sign Budget in a Commercial District.

### **VEHICULAR ACCESS AND CIRCULATION:**

At least one access to the existing building on the eastern portion of the site will be provided by a private drive. The drive will be two lanes in width without parking on the drive. Surface parking will be separated by a 15' wide landscape easement. Along the entire east west length of the drive a maximum of three driveway connections will be allowed to the west lot. .

**LANDSCAPING:**

All parking spaces, whether for display, storage areas or for use by customers or employees, will be counted with the calculation for the total number of new trees required on the site.

**LIGHTING:**

All site lighting shall meet the standards identified in the Zoning Code effective at the time of the detailed site plan approval. Light fixtures whether pole mounted or wall mounted shall not be taller than 25 feet and shall be pointed down and away from the Development Plan boundaries.

**PEDESTRIAN ACCESS:**

Pedestrian access from South Memorial to the existing building on the east portion of the property will be required.

**PLATTING REQUIREMENT:**

A new plat or plat waiver will be required for this property prior to new building construction permits being issued. Provisions for a trail system easement shall be included in the plat or plat waiver request.

**DETAILED STAFF RECOMMENDATION:**

The optional development plan is consistent with the provisions of Section 70.040 of the Tulsa Zoning Code and;

CG zoning and proposed use limitations outlined in the Optional Development Plan are consistent with the Town Center land use designation of the Comprehensive Plan and;

CG zoning without an Optional Development Plan is not compatible with the surrounding existing property and;

Z-7342 with the Optional Development Plan is compatible with the existing surrounding properties and;

Z-7342 and the Optional Development Plan are consistent with the expected future development therefore:

**Staff recommends Approval of Z-7342 with the Optional Development Plan as outlined in Section II above.**

**SECTION II: Supporting Documentation****RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Staff Summary: *CG zoning with the Optional Development Plan standards are consistent with the Comprehensive Plan.*

#### Land Use Vision:

##### *Land Use Plan map designation: Town Center*

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

##### *Areas of Stability and Growth designation: Area of Growth*

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

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

#### Transportation Vision:

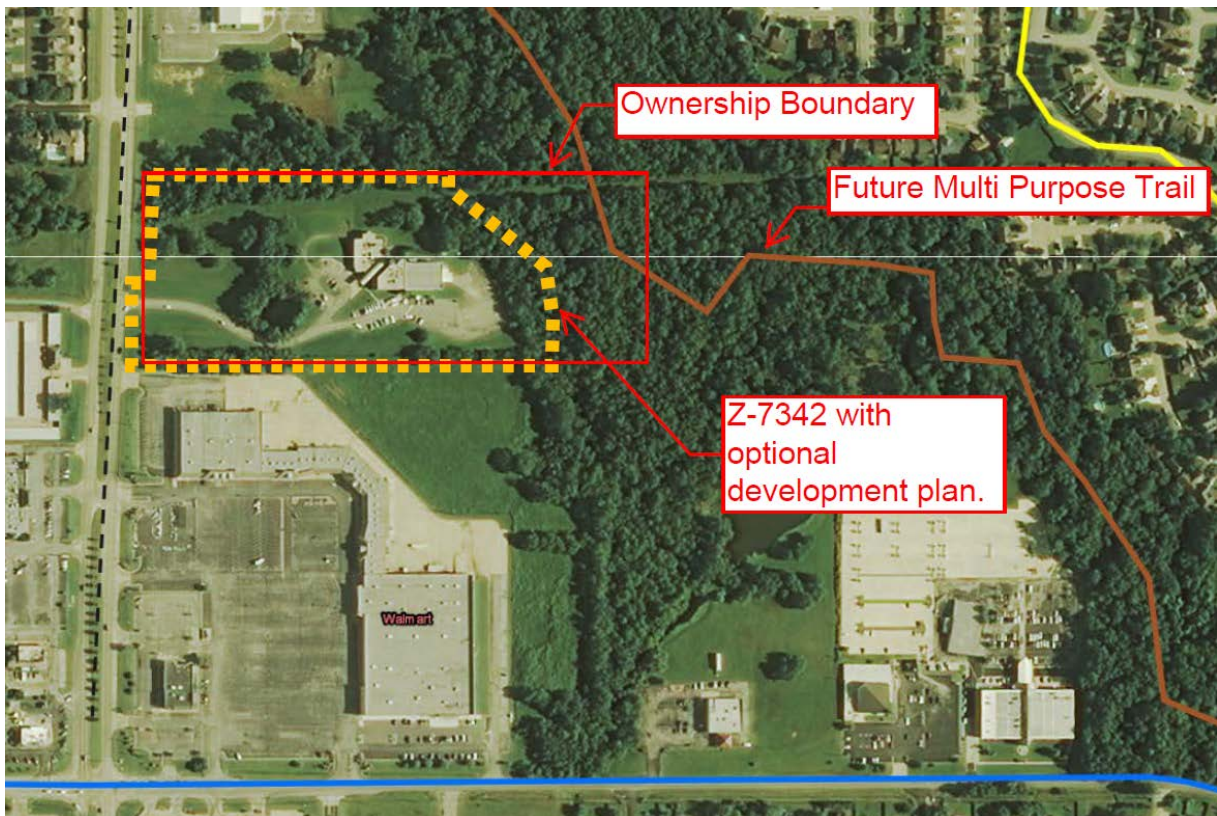
##### *Major Street and Highway Plan: Commuter*

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

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

*Trail System Master Plan Considerations:*

The Go Plan illustrates a trail expansion through the flood plain adjacent to the east boundary of the property. Provisions for a connection to that trail system should be provided from the existing building and proposed dealership to Memorial with a wide sidewalk along Memorial connecting to the existing shopping center south of the site.



Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:



Staff Summary: The site is occupied by one office building near the east edge of the site. The proposal is to keep the building but reconstruct the parking lot to meet the needs of the existing building. Preservation of the natural character of the floodplain area east of the office building is a significant consideration regarding the design standards that were included in the original PUD and the Optional Development Plan.

Environmental Considerations:

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u>   |
|----------------------|--------------------|-----------------|-------------------------|
| South Memorial Drive | Primary Arterial   | 120 feet        | 4 with landscape median |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning         | Existing Land Use Designation                           | Area of Stability or Growth             | Existing Use   |
|----------|-------------------------|---|---|--|
| North    | CS and AG               | Town center   | Growth                                  | Carwash and school   |
| West     | OL/PUD 529, AG and RS-3 | Existing Neighborhood, Park /open space and Town Center | Stability with west at southwest corner | Single Family Residential, Stormwater drainage infrastructure and mini storage |
| South    | RM-1                    | Town Center   | Growth                                  | Shopping Center  |
| East     | AG                      | Town Center   | Growth                                  | Stormwater Drainage and floodplain area  |

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 22106 dated August 20, 2009 (PUD-386-B), and 18601 dated December 19, 1995 (CS), and 16950 dated February 29, 1988 (RM-1), and 11829 dated June 25, 1970 (AG), established zoning for the subject property.

***Subject Property:***

**BOA-21136 September 24, 2010:** The Board of Adjustment **approved** a *Variance* of the parking requirement for an existing church and broadcasting studio, on property located at 8835 S. Memorial Dr. and also known as the

subject property. The Board finds this property of commercial use is permitted in a Development Area A. Development Area C is limited to open space, recreational and storm water management which limits the probability of additional parking spaces. The Board also finds that the church services are principally limited to weekends, whereas, this recording studio is to be limited to Monday through Friday only. The Board finds that the parking lot will be restriped giving a total of 127 spaces which should be sufficient with the two entities operating at different times; subject to page 6.6, date July 19, 2010 enumerating the hours for the two entities.

**PUD-386-B August 2009:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 7± acre tract of land to add place of worship within Use Unit 5 only to Development Area B, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and also known as the subject property.

**BOA-18242 November 10, 1998:** The Board of Adjustment **approved** a *Special Exception* to amend a previously approved site plan, per plan submitted, on property located at 8835 South Memorial and the subject property.

**BOA-18077 June 9, 1998:** The Board of Adjustment **approved** a *Special Exception* to permit a TV transmission tower of a three legged, lattice designed in an RM-1/PUD zoned district per plan submitted today, on property located at 8835 South Memorial and the subject property.

**Z-6508/PUD-386-A November 1995:** A request to *rezone* a 13.9 acre tract from RM-1/AG/PUD-386 to CS/PUD-386-A for commercial uses, located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial and also known as the subject property. All concurred in **approval** of a request to *rezone* the south 130' of the west 410' to CS and denial of the balance and approval of PUD-386-A with modifications made by staff.

**Z-6022 February 1988:** All concurred in approval of a request for rezoning a 10± acre tract of land from AG to RM-1 accompanied with PUD-386, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and also known as the subject property.

**PUD-386 February 1988:** All concurred in **approval** of a proposed *Planned Unit Development* on a 14± acre tract of land for office use, excluding medical offices, on property located north of the northeast corner of E. 91<sup>st</sup> St and S. Memorial, and also known as the subject property.

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

**PUD-805 February 2014:** All concurred in **approval** of a proposed *Planned Unit Development* on a 2± acre tract of land for car wash and office, on property located east side of S. Memorial Dr. at E. 87<sup>th</sup> Ct. and abutting north of subject property.

**Z-7227 July 2013:** All concurred in denial of a request to *rezone* a 2± acre tract of land from AG to CS and **approval** of OL, on property located on the east side of South Memorial Drive at East 87<sup>th</sup> Court.

**Z-6516 January 1996:** All concurred in **approval** of a request to *rezone* a 4.17± acre tract of land from CS to OL for mini-storage on property located north of northwest corner of East 91<sup>st</sup> Street South and South Memorial Drive.

**Z-6475/PUD-529 January 1995:** A request to *rezone* a 4± acre tract from AG to CS and a proposed *Planned Unit Development* was made for a mini-storage facility. Staff recommended denial of CS zoning and approval of OL with accompanied PUD. TMAPC and City Council concurred in **approval** of CS zoning and the PUD on property located north of northwest corner of East 91<sup>st</sup> Street South and South Memorial Drive.

**PUD-448 May 1989:** All concurred in **approval** of a proposed *Planned Unit Development* on a 32.6+ acre tract for mixed use development on property located on northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive

Applicant stated this would be used for car dealership for Jackie Cooper.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **Carnes**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** items **# 22 PUD Abandonment** and item **#23 rezoning from RM-1/CS to CG with Optional Development Plan** per staff recommendations.

**Legal Description Z-7342 and PUD-386-C:**

*REZONE:* Lot 1, Block 1,

*PUD ABANDONMENT:* Lot 1, Block 1, and Reserve A,

Carman Ministries Inc. Headquarters, an addition to the City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

**OTHER BUSINESS**

- 24.** Resolution No. 2723:952 to accept the Tulsa Comprehensive Plan Progress Report and Monitoring Plan

Jennifer Gates with City of Tulsa presented the Tulsa Comprehensive Plan Progress Report and Monitoring Plan. Ms. Gates reported as of the end of 2015, 219 of the 296 action items are identified as in process, ongoing or completed, indicating that 74% of the Comprehensive Plan implementation is underway. Based on these findings there are key items the staff will focus

on over the next five years as the plan continues to be implemented. These include revising the Subdivision Regulations, continue to conduct small area planning, create a redevelopment strategy, continue to build and define a transportation strategy, enhance housing options, launch a commercial revitalization strategy, develop a sustainability tool kit, connect capital improvements program to support the implementation of the Comprehensive Plan and create a PlaniTulsa Implementation team.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker, Willis "absent") to **APPROVE** Resolution No. 2723:952 to accept the Tulsa Comprehensive Plan Progress Report and Monitoring Plan

**25. Commissioners' Comments: None**

Mr. Carnes left 3:50 p.m. before adjourn

**TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Walker, Willis "absent") to **ADJOURN** TMAPC meeting 3:50 p.m.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:50 p.m.

Date Approved:

06-15-2016

  
Chairman

ATTEST:   
Secretary