

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2726

Wednesday, July 20, 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
Dix	Carnes	Fernandez	Blank, Legal
Fretz	Covey	Hoyt	Ling, COT
Millikin	Midget	Miller	VanValkenburgh, Legal
Reeds	Walker	Sawyer	Warrick, COT
Shivel		White	
Stirling		Wilkerson	
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, July 18, 2016 at 1:42 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, 1st Vice-Chair Dix called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report: None

Director's Report:

Ms. Miller stated the receipts for June 2016 are consistent with previous years, plan reviews are up slightly. Ms. Miller further reported on the City Council agenda, the River Design Overlay notice mailings and the public hearing August 17, 2016 to apply the overlay designations to the map.

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1. **Minutes:**

Minutes of July 6, 2016, Meeting No. 2725

Approval of the minutes of July 6, 2016 Meeting No. 2725

On **MOTION** of **Shivel**, the TMAPC voted 7-0-0 (Dix, Fretz, Millikin, Reeds Shivel, Stirling, Willis "aye"; no "nays"; none "abstaining"; Carnes, Covey, Midget, Walker "absent") to **APPROVE** the minutes of the meeting of July 6, 2016 Meeting No. 2725.

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CONSENT AGENDA

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

2. **LC-789** (Lot-Combination) (CD 8) – Location: West of the northwest corner of East 119th Street South and South Sheridan Road
3. **LC-791** (Lot-Combination) (CD 5) – Location: West of the southwest corner of East 16th Street South and South 85th East Avenue
4. **LC-792** (Lot-Combination) (County) – Location: North of the northeast corner of East 96th Street North and North Harvard Avenue
5. **LS-20897** (Lot-Split) (CD 9) – Location: Southeast corner of East 51st Street South and South Vandalia Avenue (Related to: LC-793)
6. **LC-793** (Lot-Combination) (CD 9) – Location: South of the southeast corner of East 51st Street South and South Vandalia Avenue (Related to: LS-20897)
7. **LS-20898** (Lot-Split) (County) – Location: North of the northeast corner of East 176th Street North and North Mingo Road
8. **LS-20899** (Lot-Split) (CD 8) – Location: East of the northeast corner of East 104th Street South and South Louisville Avenue (Related to: LC-794)
9. **LC-794** (Lot-Combination) (CD 8) – Location: East of the northeast corner of East 104th Street South and South Louisville Avenue (Related to: LS-20899)
10. **LC-795** (Lot-Combination) (CD 3) – Location: East of the northeast corner of East Admiral Place and North 129th East Avenue (Related to Change of Access)

11. **Change of Access** – 13003 East Admiral Place, East of the northeast corner of East Admiral Place and North 129th East Avenue, (CD 3) (Related to LC-795)

STAFF RECOMMENDATION:

13003 East Admiral Place

This application is made to allow a change of access to add access points and limits of no access along East Admiral Place. The property is zoned CG.

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. **LC-796** (Lot-Combination) (CD 7) – Location: Southeast corner of East 47th Street South and South 101st East Avenue

13. **LS-20900** (Lot-Split) (County) – Location: North of the northeast corner of East 136th Street North and North 90th East Avenue

TMAPC Action; 7 members present:

On **MOTION** of **Shivel**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds Shivel, Stirling, Willis “aye”; no “nays”; none “abstaining”; Carnes, Covey, Midget, Walker “absent”) to **APPROVE** Items 2 through 13 per staff recommendation.

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

COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARINGS:

14. **CPA-45 through CPA-49** - Consider adoption of 2016 Housekeeping Amendments to the Tulsa Comprehensive Plan, amending the Land Use Map, Stability and Growth Map and text.

STAFF RECOMMENDATION:

- A. Item:** Annual Housekeeping Amendments to the Comprehensive Plan.
- B. Background:** The Tulsa Comprehensive Plan was adopted in July, 2010 and the first housekeeping amendments were adopted in 2013. There were a substantial amount of amendments adopted, all relating to the *Land Use Map* and the *Areas of Stability and Growth Map* of the Comprehensive Plan.

This year, staff is proposing four map amendments and a series of text amendments.

As the Plan is used on a daily basis to guide development decisions in Tulsa (both public and private), a consequence of implementation is finding certain areas and/or parcels of land do not have the most appropriate map designations. Some of these are discovered through review of development applications, some by the need to proactively designate lands for future activity and some areas or parcels simply did not receive the most appropriate map designation when the Plan was adopted.

The Comprehensive Plan states that the Land Use Plan and Areas of Stability and Growth Map “should be updated at five year intervals with projections toward the future. Housekeeping updates and maintenance to reflect development approvals should be made annually.” (p. LU-75)

The Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission include a specific process regarding how to proceed with housekeeping amendments. The document states: “TMAPC staff will establish a system to track all housekeeping amendments needed to reflect development approvals and present a comprehensive plan amendment to TMAPC annually, generally in July. These annual amendments will include updates to the Land Use Plan and, if necessary, changes to the Growth and Stability Maps.”

There are four areas and/or parcels that have been identified as proposed map amendments to the Comprehensive Plan, in addition to a series of text amendments. The attachments to this report contain information on each of these, including general information, justification for the change, and supporting maps.

- C. Staff Recommendation:** Approval of Comprehensive Plan housekeeping amendments (CPA-45 through CPA-49) as requested

ATTACHMENT 1
Comprehensive Plan Amendment (CPA-45)
Change of Land Use and Area of Stability & Growth Designations

Location: South of the SW corner of East 11th Street South and S. 83rd E. Ave.

Size: .5 Acres **Zoning District:** OL **Existing Use:** Office

<u>Land Use Designation</u>		<u>Stability & Growth Designation</u>
<u>Existing</u>	<i>Existing Neighborhood</i>	<i>Area of Stability</i>
<u>Proposed</u>	<i>Town Center</i>	<i>Area of Growth</i>

Development Approval History:

- **2014: Z-7267:** The TMAPC approved a rezoning on the subject lot from RS-1 to OL.

Justification: At the time of adoption of the Comprehensive Plan in 2010, the Land Use designation was identified as *Existing Neighborhood* and an *Area of Stability*. In Z-7267 the TMAPC approved a request to rezone the site to OL to facilitate the development of a light office use on the site. The existing Land Use and Growth and Stability designation assigned to the property does not adequately reflect the existing and future uses intended for the site. A *Town Center* and *Area of Growth* land use designation will more appropriately do that.

Staff Recommendation: Staff recommends changing the subject site to the *Town Center* land use designation and an *Area of Growth*.

ATTACHMENT 2

Comprehensive Plan Amendment (CPA-46)

Change of Area of Stability & Growth Designations

Location: West of the NW corner of E. 49th St. S. and S. Peoria Ave.

Size:

.5 Acres

Zoning

OL

and

Existing

Vacant

Lots

and

District:

District:

RS-3

Use:

Residential

	<u>Land Use Designation</u>	<u>Stability & Growth Designation</u>
<u>Existing</u>	<i>Mixed Use Corridor</i>	<i>Area of Stability</i>
<u>Proposed</u>	<i>N/A</i>	<i>Area of Growth</i>

Development Approval History:

- **2015: Z-7310:** The TMAPC approved a rezoning from RS-3 to OL to permit expansion of a parking area.
- **2015: PUD-837:** Established a commercial/parking area on the property to support the existing Myers-Duren Harley Davidson store.

Justification: The site is designated as a *Mixed-Use Corridor* and *Area of Stability*. The development standard of the PUD allow for the expansion of an existing parking area for the Myers-Duren Harley Davidson store. The existing Stability & Growth designation is not in alignment with current Land Use designation and it does reflect the potential uses intended for the site.

Staff Recommendation: Staff recommends changing the subject area to an *Area of Growth*.

ATTACHMENT 3 **Comprehensive Plan Amendment (CPA-47)** Change of Land Use and Area of Stability & Growth Designations

Location: Northeast corner of S Lewis Ave and Interstate 44
Size: 1.5 **Zoning** CS **Existing** I-44 Right-of-Way
Acres **District:** **Use:**

	<u>Land Use Designation</u>	<u>Stability & Growth Designation</u>
<u>Existing</u>	<i>Town Center</i>	<i>Area of Growth</i>
<u>Proposed</u>	<i>None</i>	<i>None</i>

Justification: The use and charter of the site has changed as I-44 was recently widened and the property is no longer developable. Therefore, any land use designations or growth and stability designations should be removed from the site.

Staff Recommendation: Staff recommends removing the *Town Center* and *Area of Growth* designation from the subject site.

ATTACHMENT 4
Comprehensive Plan Amendment (CPA-48)
Change of Land Use Designation

Location: SW/c of E 96th St S & S Garnett Rd

Size:

26.7
Acres

Zoning
District:

AG

Existing
Use:

Vacant

	<u>Land Use Designation</u>	<u>Stability & Growth</u> <u>Designation</u>
<u>Existing</u>	<i>Regional Center</i>	<i>Area of Growth</i>
<u>Proposed</u>	<i>New Neighborhood</i>	<i>N/A</i>

Development Approval History:

- **2015: CPA 38** - The TMAPC approved a Comprehensive Plan Amendment from New Neighborhood to Regional Center to accompany a rezoning application (Z-7320) to allow a medical office corridor use.

Justification: In 2015 the property owner submitted a rezoning application (Z-7320) from AG to CO to permit development of medical office space and commercial uses on the subject site. To support the rezone request the applicant requested that land use amendment (CPA 38) be approved at the November 18, 2015 TMAPC hearing and stated that he would return to the TMAPC at later date to request approval for the rezoning application. Since that time the request to rezone the subject site to CO has been withdrawn and the proposed medical office corridor development has been discarded. At this time there is no clear vision for the redevelopment of the AG zoned lot and the current Regional Center designation is no longer in alignment with the existing and intended zoning and use of the site. A *New Neighborhood* designation is more compatible with existing use and zoning of the site and would ensure compatibility with the surrounding land uses until that time when a clear vision for redeveloping the site is identified.

Staff Recommendation: Staff recommends changing the subject area to a *New Neighborhood*.

ATTACHMENT 5

Comprehensive Plan Amendment (CPA-49)

Text Amendments

1) Page LU: 80

Goal 4.3 -

Ensure that adequate land to accommodate desired development is zoned and ready for development through implementation of ~~city-initiated~~ zoning cases following the adoption of small area plans. ~~City-initiated~~ All zoning recommendations should be consistent with ~~small-area-plans~~ the Comprehensive Plan.

Justification: The majority of zoning changes are initiated through private parties and City initiated zoning has happened through one Small Area Plan for a Form Based Code. The City should work with interested private parties to initiate zoning changes that are consistent with the Comprehensive Plan, Small Area Plans, which amend the Comprehensive Plan, or other plans and studies.

2) Page LU: 86-87

Goal 17 -

Tulsa's natural and sensitive areas are protected and conserved. Policies to support this goal ~~include:~~

~~17.1 Establish sensitive area criteria/establish areas of conservation.~~

~~• Obtain comprehensive information in order to prioritize programs that would protect key resources.~~

~~• Establish a system of designating specific areas as ecologically sensitive areas worthy of protection.~~

~~• Particularly in riparian areas, establish a standardized buffer widths based on resource type and adjacent topography. For riparian areas, buffer widths will be based on water quality function and wildlife habitat needs. Establishing standardized buffers may require that precise boundaries be delineated prior to environmental review for new development, particularly in riparian areas.~~

~~• Identify key public natural landmarks and scenic views.~~

~~17.2 Establish buffer zones and protection areas around key ecologically sensitive areas to prevent future development within those boundaries except for recreational facilities.~~

are included in Parks, Trails and Open Space Goals 8 and 9.

Justification: This goal and associated policies are a repeat of *Goals 8 and 9* found in the Parks Trails and Open Space section

3) Page LU: 87

Goal 18

Development on impacted sites or areas is regulated to protect sensitive areas. Policies to support this goal include:

~~18.1 In areas of growth expected to develop, continue to conduct watershed-wide master drainage planning consistent with the citywide master drainage plan, in coordination with small area planning process.~~

~~18.2 Preserve undeveloped floodplain areas for storm water conveyance.~~

~~18.3 Investigate compensation programs or zoning measures to allow transfer of development rights from environmentally constrained areas to unconstrained areas.~~

~~18.4 Continue to use best management practices for development within floodplain areas.~~

are included in Parks, Trails and Open Space Goal 10.

Justification: This goal and associated policies are a repeat of *Goal 10* found in the Parks Trails and Open Space section.

Staff Recommendation: Staff recommends approval of the comprehensive plan text amendments as presented.

TMAPC Action; 7 members present:

On **MOTION** of Shivel, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds Shivel, Stirling, Willis "aye"; no "nays"; none "abstaining"; Carnes, Covey, Midget, Walker "absent") to **ADOPT** the 2016 Housekeeping Amendments amending the Tulsa Comprehensive Plan Land Use Stability and Growth Map and text for CPA-45 through CPA-49 per staff recommendation.

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PUBLIC HEARINGS:

15. **Crane Carrier Lot 1 Amended** – North of the northeast corner of East 46th Street North and North Mingo Road, (CD 3)

STAFF RECOMMENDATION:

The plat consists of 5 Lots, 1 Block, on 51.8 acres.

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

1. **Zoning:** The property is zoned IM (industrial medium).
2. **Streets:** No comment.
3. **Sewer:** Provide width of existing Sanitary Sewer easement along the west property line. North of the sanitary sewer easement total width of utility easement must be 17.5 feet. In covenants Section 1.A delete reference in Cosmopolitan Apartments and replace with this plat name. In Section 1.C.2 put a comma after "Restricted Waterline". Floodplain in area. Put 17.5 foot easement on top of sanitary sewer easement. It is in the AE flood zone . Significant fill has been added to this location..
4. **Water:** No comment.
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:** Submit data control sheet. Provide corrected name for Jet Port Industrial Park. Provide individual lot addresses. Label on the face of plat. Identify the point of commencement as the southwest corner of Section 7 on the face of the plat and in the legal description. Please identify the basis of bearing between two known points. Provide the bearing angle. Graphically show property pins found or set that are associated with the plat. **Airport:** An Avigation easement is necessary with wording alerting people about noise.

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; 7 members present:

On **MOTION** of **Shivel**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds Shivel, Stirling, Willis "aye"; no "nays"; none "abstaining"; Carnes, Covey, Midget, Walker "absent") to **APPROVE** the Preliminary Plat per staff recommendation.

16. **The Estates at the River III, -** East of South Yale Avenue and north of East 131st Street South, (CD 8)

STAFF RECOMMENDATION:

The plat consists of 157 Lots, 8 Blocks, on 62 acres.

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

1. **Zoning:** The property is zoned PUD 803. There will be the need for dedication of a trail easement the size and location of which will be determined before final plat approval. Covenant language for the dedication will need to be approved through City Legal.
2. **Streets:** Streets will be redesigned to meet Fire Department and

Development Services staff approval. Additional right of way may need to be dedicated. Extend Hudson Avenue to the south and provide a second access at 126th Place. 125th Street is located inside the Limits of No Access. Delete Note 4 from the face of the plat. Limits of No Access is only defined for Arterial streets. Covenant Section 1.1.8 should be titled, Streets and easement dedication. Use standard plat languages in this section. Use standard language for Limits of No Access, Section 1.1.6,

3. **Sewer:** Why is the UE along west property line of Block 14, 22.5'? Call out width of easement along Lots 15, 16 and 17 Block 18 and Lots 10-14, Block 19. Use standard plat language in Covenant, Section 1.1.9.
4. **Water:** If fire hydrants are needed along Hudson Avenue a water main extension line will be required.
5. **Storm Drainage:** Site will need to comply with all drainage and flood plain criteria which includes conveyance of all anticipated future offsite storm water discharges. A CLOMR is being worked on for the floodplain.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Bixby telephone service exists in this area.
7. **Other: Fire:** The two entrances to this developed area do not meet the remoteness requirement. A second access at 126th Place would meet the requirement. Will require a fire hydrant within 600 feet of any part of a building as the hose lay. If Hudson is extended to 126th Place Hydrants will be required on Hudson at 500 foot spacing.
8. **Other: GIS:** Submit control data sheet. Label the project location in the location map with text and leader line. Provide individual lot addresses. Property is in floodplain. Provide or state the address caveat/disclaimer under the notes section. Graphically show property pins found or set that are associated with the plat. Engineering Services would prefer to see you label and graphically show the point of commencement and provide bearing/distance to point of beginning. Add this into the metes/bounds legal description. The point of commencement being the half section line or section line of Section 3, T 17 N R 13 E.

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; 7 members present:

On **MOTION** of **Shivel**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds Shivel, Stirling, Willis "aye"; no "nays"; none "abstaining"; Carnes, Covey, Midget, Walker "absent") to **APPROVE** the Preliminary Plat per staff recommendation.

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18. **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 OL** with **Optional Development Plan**. (Continued from April 20, 2016, May 18, 2016, June 1, 2016, June 15, 2016 and July 6, 2016)

STAFF RECOMMENDATION:

SECTION I: Z-7331

DEVELOPMENT CONCEPT:

OM zoning was the original request from the applicant and the Notice of Public Hearing was published requesting OM. After discussion with staff the request was amended to OL zoning which will be more compatible with the single family residential development north and west of the site. OL zoning satisfies the need for the anticipated Chiropractic office. **An optional development plan has been submitted after extensive discussion with the interested property owners in the neighborhood.**

SECTION II: OPTIONAL DEVELOPMENT PLAN PROVISIONS:

1. Use. The use of Lot 4 will be limited to medical and professional offices until September 1, 2026.
2. Hours of Operation. Office hours for client visits will be limited to 7:00 a.m. to 7:00p.m., Monday through Friday, and 8:00 a.m. to 12:00.p.m. on Saturdays for until September 1, 2026.
3. Total Square Feet. The total square feet of all the buildings on Lot 4 will not exceed four thousand square feet (4,000SF).
4. Building Materials. Except for windows, doors, roofs and other architectural elements, the buildings on Lot 4 will be constructed primarily of masonry, stucco or brick and will be earth tone colors.
5. Building Setback Provisions.
 - a. Within one hundred (100 FT) of the east property line of Lot 4, no building will be built on Lot 4 within eighty-one feet (81 FT) of the north property line of Lot 4.
 - b. Within two hundred feet (200 FT) of the east property line of Lot 4, no building will be built on Lot 4 within fifty feet (50 FT) of the north property line of Lot 4.
 - c. Within two hundred ninety-nine feet (299 FT) of the east property line of Lot 4, no building will be built on Lot 4 within fifteen feet (15 FT) of the north property line of Lot 4.
6. Screening Fence. A cedar screening fence will be constructed and maintained along the north boundary of Lot 4 commencing 10 feet west of

- the east boundary of Lot 4. Such cedar screening fence will be a eight feet (8 ft) in height. Such fence will be finished with a cedar cap detail.
7. Boundary Landscaping. Nellie R. Stevens hollies (sized#3 at the time of planting) will be planted and maintained at intervals of three feet (3 FT) along the north boundary of Lot 4. Such hollies will be planted on the south side of the screening fence described in Section 6 above.
 8. Concrete Block Wall. A segmental concrete block wall will be constructed and maintained on Lot 4 in front of and approximately six inches (6 IN) south of an existing masonry wall on Lot 3, Block2, South Lewis View ("Lot 3"). Such concrete block wall will be constructed level with Lot 3 on the north. The space between such concrete block wall and the existing masonry wall will be backfilled level with Lot 3. The cedar fence referred to in Section 8, above, will be placed with footings between such walls on top of the backfill. As part of the construction of such segmental concrete block wall, the existing chain-link fence will be removed.
 9. Street Planting Bed. Off-street parking areas must meet the provisions of Section 65.040. The following additional provisions apply.
 - a. A planting bed of at least one hundred twenty-five square feet (125 SF) will be constructed and maintained on each side of the drive opening from Lot 4 onto Columbia Avenue. The plantings within such beds will consist of deciduous and evergreen shrubs and groundcovers and annual and perennial flowering plants.
 - b. A ~~project~~ sign may be located in one (1) of the planting beds in accordance with applicable City ordinances.
 10. Building Landscaping. Lot 4 will be landscaped and maintained in accordance with the regulations of Chapter 65 of the Tulsa Zoning Code. The following additional provisions apply.
 - a. A minimum of ten (10) deciduous trees at least twelve feet (12 FT) in height, at the time of planting, will be planted adjacent to the parking areas on Lot 4.
 - b. Green space abutting each building or its associated parking area on Lot 4 will be planted with a minimum of three (3) small flowering trees incorporated into a planting bed with a minimum of at least three hundred fifty square feet (350 SF) for each such planting bed. Such planting beds will include a variety of deciduous and evergreen shrubs and groundcovers and annual and perennial flowering plants.

- c. All such planting beds will be bordered by concrete walks, concrete curbs or steel landscape edging. All areas in such planting beds not covered by plant materials will receive and maintain wood mulch not less than three inches (3 IN) deep. Portions of Lot 4 that are not paved or improved or otherwise included within planting beds will be sodded with Bermuda grass.

DETAILED STAFF RECOMMENDATION:

Z-7331 requesting OL zoning is consistent with the Mixed-Use land use designation of the Comprehensive Plan and;

OL zoning is compatible with the existing proximate properties and;

At this location OL zoning is an appropriate buffer from the single family residential property north of the site to the I-44 corridor. The applicant has worked with the property owners in the neighborhood to establish an Optional Development Plan. The Optional Development Plan is consistent with the provisions of Section Section 70.040-B2 of the Tulsa Zoning Code. Staff supports the rezoning request with or without the optional development plan and;

OL zoning is compatible with the anticipated future redevelopment opportunities in this area therefore;

Staff recommends Approval of Z-7331 to rezone property from RS-1 to OL with the Optional Development Plan Provisions outlined in Section II above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: OL zoning is consistent with the Mixed Use Corridor vision of the Comprehensive Plan however in this instance the I-44 frontage will not include windows, store fronts or on-street parking.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly

visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None that affect the site.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is vacant with wooded edges. The building orientation could be toward Columbia Ave.; however the building front of the other buildings along this corridor are all facing I-44. The proposed*

building should face the expressway. East of Columbia Ave. an existing but vacant office building faces I-44 however surface parking and existing driveways enter and exit to Columbia Ave.

The following image is looking northwest toward the property from the intersection of Skelly Drive at the intersection with South Columbia Ave.



The following image is from the northeast corner of the subject property looking south.



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>
South Columbia Avenue	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	RS-1	Existing Neighborhood	Area of Stability	Single family residential
East	OM	Mixed-Use Corridor	Area of Growth	Vacant Office Building
South (south of I-44)	RS-2	Mixed-Use Corridor	Area of Growth	Single family residential
West	RS-3	Mixed-Use Corridor	Area of Growth	Residential duplex

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-6690/ PUD-622 November 1999: Staff and TMAPC concurred in approval of a request for *rezoning* a 1± acre tract of land from RS-1 to RT with a *Planned Unit Development*, for a townhouse development, on property located south of the southwest corner of E. 49th St. S. and S. Columbia Ave. and also known as the subject property. City Council **denied** the requests.

Z-6552 August 1996: Request to rezone the subject tract from RS-1 to OM. Staff recommended denial of OM and OL in the alternative. On appeal, City Council **denied** the requests for either category.

Surrounding Property:

BOA-13513 April 1985: The Board of Adjustment **approved** a *Variance* to permit a second story to an existing structure in an OL zoned district on property located on the northwest corner of I-44 Expressway and S. Columbia Avenue and abutting the subject tract on the south.

Mr. Reynolds 2727 East 21st Street, Tulsa OK representing the applicant stated the neighbors and applicant have an agreement that these would be professional offices not general business offices and if we had put business and professional offices we would not need an expiration date of the use. It was intended that you would need to be a professional such as a lawyer, doctor or engineer some type of professional office we have chosen this term for our covenant and applicant is fine with the sign change.

Ms VanValkenburgh stated under the new code there are sub-categories for uses under office, one is business and professional and the other is medical, dental and health practitioner. The applicant is saying their intent is some medical offices.

Mr. Reynolds stated yes, we aren't bound to the code or to use code words we have imposed this language as our strict covenant and we think it picks up architects and medical doctors.

Ms VanValkenburgh stated she just wanted it to be clear.

Mr. Reynolds stated this property has had a terrible history, TMAPC approved it unanimously for OL zoning and the City Council denied it unanimously, it was approved for town houses unanimously by TMAPC and denied unanimously by City Council. So the Applicant is trying to do something that would get approved by the City Council also. Mr. Reynolds would ask TMAPC to approve this application.

Ms. Millikin asked the applicant if the use needed to be changed in the Optional Development Plan to say business and professional offices and medical, dental and health practitioners.

Mr. Reynolds stated no because applicant doesn't have a problem with professional offices and it is designed to capture both of those code terms but he doesn't want to have to list all uses that would be not allowed. It's not a code defined term it's a code defined by Merriam Webster and he thinks everyone knows what that means.

Ms. Millikin stated that was not her understanding from staff. It was her understanding that they want to link the code because the code defines the use and if you want to also have medical uses the language in business and professional would not include medical office.

Mr. Reynolds stated it's not the zoning code he is writing for the neighbors to include professional office and that includes medical, doctors, chiropractor, lawyers and engineers. He stated that we are arguing about something that doesn't matter. The uses are allowed by right in OL and we have limited things that can be on this site.

Ms. Millikin states that perhaps she has misunderstood what staffs intentions are by changing professional offices to business and professional offices.

Mr. Wilkerson stated back in April when this application was submitted it was going to be a doctor's office when the Optional Developmental Plan was submitted Mr. Wilkerson didn't think twice about a professional office not being a doctor's office but he can see where it might be a problem at the zoning permit level. After hearing neighbors and Mr. Reynolds concerns about it being just an open business staff would be ok with professional offices and say something about medical offices because that is a use category.

Ms. VanValkenburgh stated if you say medical then the chiropractor office would be fine.

Mr. Reynolds stated his agreement with medical and professional offices if that would that make the board more comfortable.

INTERESTED PARTIES:

Gary Maddux 4930 South Columbia, Tulsa. OK 74105

Donna Maddux 4930 S Columbia, Tulsa, OK 74105

Both decided not to speak because concerns had been addressed.

TMAPC Action; 7 members present:

On **MOTION** of **Shivel**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds Shivel, Stirling, Willis "aye"; no "nays"; none "abstaining"; Carnes, Covey, Midget, Walker "absent") to **APPROVE** the rezoning for Z-7331 with an Optional Development Plan per the staff recommendation that uses be defined as "medical and professional offices" in item 1 section II and that the word "project" is removed from item 9b of Section II of the Optional Development Plan . (Language underlined has been added and language with a strike-through has been deleted.)

Legal Description of Z-7331:

LT 4 BLK 2, SOUTH LEWIS VIEW, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Items #19 and #20 were taken together

19. **Z-7349 Jim Congleton**-(CD 9) Location: South of the southwest corner of South Peoria Avenue and East 55th Street requesting rezoning from **RS-3 to CS**. (Related to Z-7349 Plat Waiver)

STAFF RECOMMENDATION:

SECTION I: Z-7349

DEVELOPMENT CONCEPT:

The applicant is proposing to rezone a property that is currently in an RS-3 zone to CS zone. The applicant proposes to utilize the site and existing former single-family residence as a commercial office and workshop space.

DETAILED STAFF RECOMMENDATION:

Z-7349 requesting CS as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

CS zoning is harmonious with existing surrounding property; and

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

Staff recommends **Approval** of Z-7349 to rezone property from RS-3 to CS

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7349 is included in Mixed-Use Corridor and an Area of Growth. The rezoning request will complement the vision identified.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional

lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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: Secondary Arterial

Trail System Master Plan Considerations: This site is approximately ½ mile from the River Parks East Bank Trail

Small Area Plan: Riverwood Neighborhood Plan

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a vacant single-family residence.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Secondary Arterial	100 feet	4

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	Mixed-Use	Growth	Vacant
South	OL	Mixed-Use	Growth	Office
East side of S Peoria Ave	CS/PUD-652	Mixed-Use	Growth	Retail
West	RS-3	Existing Neighborhood	Stability	Single-family residence

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

Subject Property:

No relevant history

Surrounding Property:

Z-7135 July 2009: All concurred in **approval** of a request for *rezoning* a 20,000+ square foot tract of land from RS-3 to OL for attorney offices, on property located south of southeast corner of South Peoria Avenue and East 55th Street and northeast of subject property.

Z-6813/PUD-652 August 2001: All concurred in **approval** of a request for *rezoning* and a proposed *Planned Unit Development* on a .872+ acre tract of land from OL to CS/PUD for a retail development as included within Use Unit 14, but excluding pawnshop, on property located on the northeast corner of South Peoria

Avenue and East 55th Place and abutting east of subject property across S. Peoria Ave.

BOA-16598 March 8, 1994: The Board of Adjustment **approved** a *Special Exception* to permit the expansion of an existing church, *Variance* of the minimum one acre requirement, *Variance* of the maximum floor area ratio of .5, *Variance* of the 100' frontage, *Variance* of the required 25' setback from abutting R districts, a *Variance* to permit parking in the front yard and a *Variance* to permit parking on a lot other than a lot containing the principal use, on property located at 5345 S. Peoria Ave. E.

Z-6349 March 1992: All concurred in **approval** of a request for *rezoning* a .4+ acre tract of land from RS-3 to OL for office uses on property located on the southwest corner of South Peoria Avenue and East 56th Street and south of subject property.

Z-5634 January 1982: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located on the southeast corner of South Peoria Avenue and East 55th Street and northeast of subject property.

Z-5361 March 1980: All concurred in denial of a request for *rezoning* a tract of land from RS-3 to CS but **approval** of OL on property located north of northwest corner of South Peoria Avenue and East 56th Street and abutting south of subject property.

BOA-10737 November 8, 1979: The Board of Adjustment **approved** a *Special Exception* to use the property for a child nursery school, subject to the presentation that no more than 14 infants will be cared for in the nursery with 3 employees; the house of operation to be 6:30 a.m. to 6:30 p.m., per plot plan submitted, on property located at 5532 S. Peoria Ave. and abutting south of subject property.

BOA-07953 June 21, 1973: The Board of Adjustment **approved** a *Special Exception* to operate a child care center in existing church building in an RS-3 District, on property located at 5345 S. Peoria Ave. E.

C-72-121 August 1972: In the District Court Case the judge enjoins the City from enforcing the zoning ordinances in any manner which would interfere with the use of the property for commercial purposes in accord with the provisions and restrictions of a CS Commercial Shopping District, on property located on the southwest corner of S. Peoria Ave. and E. 55th St. S. and abutting north of the subject property.

BOA-5318 January 11, 1967: The Board of Adjustment **approved** a *Special Exception* to erect a new building for child's care center, on property located at north of the northwest corner of S. Peoria Ave. and E. 56th St. S. and south of subject property.

20. **Z-7349**, Plat Waiver, Location: South of the southwest corner of South Peoria Avenue and East 55th Street, Houstonia Home Sites Addition. (CD 9) (Related to Z-7349 rezoning)

STAFF RECOMMENDATION:

Z-7349 – 5528 South Peoria Avenue East, Part of Lots 16 and 17, Block 5, Houstonia Home Sites Addition, (CD 9)

The platting requirement is being triggered by a rezoning from RS-3 to CS.

Staff provides the following information from TAC for their June 16, 2016 meeting:

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

STREETS: Peoria Avenue is secondary arterial at that location with 50 feet right of way requirement from center line. Existing right of way is 40 feet. Ten feet of additional right of way is required along Peoria. Sidewalks are required where not existing.

SEWER: No comments.

WATER: No comments.

STORMWATER: No comment.

FIRE: No comments.

UTILITIES: No comments.

Staff can recommend **APPROVAL** of the plat waiver for the previously platted property.

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		X

- and Highway Plan?
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

TMAPC Action; 7 members present:

On **MOTION** of **Millikin**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds Shivel, Stirling, Willis "aye"; no "nays"; none "abstaining"; Carnes, Covey, Midget, Walker "absent") to recommend **APPROVAL** of item 19, Z-7349 rezoning from RS-3 to CS and **APPROVE** Item 20 the Plat Waiver per staff recommendation.

Legal Description of Z-7349:

N 17' LT 16 & S 77' LT 17 BLK 5, HOUSTONIA HOME SITES, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

17. **Authorization for an Accelerated Release of Building Permit- 71** at Tulsa Hills, Location: South of southwest corner of West 71st Street South and South Elwood Avenue, (CD 2)

STAFF RECOMMENDATION:

The property is zoned Planned Unit Development 738. Full permits are requested.

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: "Permit required extraordinary time to obtain all offsite easements delaying the final Plat application and significantly delaying the project to the detriment of the applicant. All easements have been obtained." "Applicant agrees to assume all responsibilities related to this release and hold the City harmless from any losses. This release will allow this property to produce tax and utility revenue to the City earlier."

The following information was provided by the Technical Advisory Committee on July 7, 2016:

TRANSPORTATION: No comment.

SEWER:

- *Public Works, Waste Water:* No comment.

WATER:

- *Public Works, Water:* No comment.

STORM DRAIN:

- *Public Works, Storm Water:* No comment.

FIRE:

- *Public Works, Fire:* No comment.

UTILITIES:

- *Franchise Utilities:* No comment.

The accelerated building permits were originally designed to accommodate large campus style type of developments 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”.

The TAC (Technical Advisory Committee) did not object to the accelerated building permit.

Staff recommends Denial of the authorization to release the accelerated building permit per guidelines in the existing subdivision regulations. However, the Commission should be aware that the subdivision regulations update will likely consider changes to the current process. The Final Plat should be released soon for the site and approval will likely be requested at an upcoming meeting. The expanded time frame for allowing this plat to proceed or be released involves a separate process for dedication of easements.

Brian Doyle 12150 East 96th Street North, Owasso, OK 74055

Mr. Doyle stated there has been numerous delays on this project and the item holding the plat up in Development Services now is an encroachment agreement from PSO that allows the utilities to cross through the easement. PSO has already given applicant a release letter and the easements are shown on the plat. Applicant states there is another encroachment agreement from Phillips 66 which is a high pressure gas line and Development Services is asking for an amendment because water lines cross the high pressure gas line. Applicant says the water lines meet the guidelines of Phillips 66. Applicant believes some of things being asked for by Development Services are not required and further delaying a 30 million dollar project is a burden on the applicant.

Mr. Dix asked what the compelling reason for requesting an Accelerated Release of Building Permit.

Mr. Doyle responded that change to the easements the applicant feels are not required have been in Development Services for quite some time and surpassed the time applicant expected a response back. Applicant states he has gone through a Director change at Development Services that further delayed the Plat approval and applicant's project.

Mr. Reeds asked Ms. VanValkenburgh what thresholds can be approved early on these early permits does it include easements.

Ms. VanValkenburgh states applicants are allowed to get their foundation permit without the release of Accelerated Building Permit or the recording of the plat but on this plat there were some off site easements and that process is a little slow. On the issue of the encroachment agreements that was asked for 4 months ago by Development Services, Ms VanValkenburgh states she doesn't know what has taken so long to receive the encroachment agreements but states it's not fair to characterize the City of Tulsa as holding things up.

Mr. Reeds asked Ms. VanValkenburgh if the easements are off site. Ms. VanValkenburgh responded, yes and she believes they were approved by City Council last week and applicant doesn't have to wait until these easements are recorded to get the final plat on the TMAPC agenda for final approval.

Mr. Doyle states Development Services has stated that the applicant can't get underground permits.

Mr. Dix asked what off site easements are we talking about.

Mr. Reeds asked why isn't there a separate permit if they don't affect the physical building, the floor area ratio or the number of units, why aren't they on a separate permit if they are off site.

Mr. Ling stated the IDP was approved in January and Development Services doesn't allow applicants to do the work until the plat is recorded.

Mr. Dix asked what the offsite easements are.

Mr. Ling stated sanitary and sewer.

Ms. VanValkenburgh states a mutual access easement, sanitary and maybe a waterline.

Dr. Dix asked a mutual access easement to where.

Ms. VanValkenburgh stated for access onto 71st Street, crossing a neighboring property

Dr. Dix asked how can we hold up permit.

Ms. VanValkenburgh stated because it was required for fire and emergency access

Dr. Dix stated but you can't require a property owner to go and get an access agreement from an adjacent property owner if that adjacent property owner doesn't want to give it.

Ms. VanValkenburgh stated in this case the adjacent property owner did want to give it, so it was not a problem.

Mr. Dix asked if the offsite easements have been taken care of.

Ms. VanValkenburgh stated there were other off site easements such as sanitary sewer but she believes those were approved by City Council last week and just need to be signed by the Mayor. The offsite easements at this point are not holding up the plat. The last thing that needs to be taken care of is the release

letters from PSO and Phillips 66 the approve city infrastructure within the geographical area of the PSO and pipeline easement that pre-dated this plat.

Mr. Doyle stated one of the offsite easement is sewer and applicant states this is half way finished now, another off site easement is a access easement and waterline easement that goes from applicants property north to 71st Street and again the waterline plans have been approved with permits to build it. The access easement is an easement across an adjacent property and what applicant understands from a letter that the fire department does not need that emergency access because we already have 2 other access points. The Phillips 66 encroachment agreement has been turned into Development Services and they want the waterlines that cross the pipeline be added to the encroachment agreement, The applicant believes they do not need to be added because Phillips 66 published guidelines for working around their gas lines and Phillips 66 guidelines say you can cross the lines as long as it is perpendicular to the gas line and that is what is on the plan. These are waterlines that have already been approved to construct.

Ms. VanValkenburgh stated the fire access is required, and that was verified in a meeting with the fire department last week.

Mr. Dix stated to applicant that what he understands is the applicant is willing to forego the approval of Phillips 66 and the Development Services is not. Mr. Dix states Phillips 66 takes their time processing these letters.

Ms. Millikin makes a motion for denial of staff recommendation and Mr. Shivel 2nd's the motion

Mr. Reeds asks Ms. VanValkenburgh if the motion could be amended to make sure the applicant gets the early foundation permit. Mr. Reeds stated he wants to make sure the early permits are issued.

Ms. VanValkenburgh states whatever Development Services requires she doesn't want TMAPC to take the authority away from that department.

Ms. VanValkenburgh asked Mr. Ling if Development Services is ready to issue a foundation permit. Mr. Ling stated he would need to speak with zoning department.

Mr. Reeds would like to recognize Mark Thomas to speak.

Mark Thomas 3508 North 75th Street

Mr. Thomas stated he is the architect on the project and if they could get the foundation permit that would solve the problem. Mr. Thomas had conversation with Yuen Ho regarding the release of the permits. Mr. Ho told Mr. Thomas that he could not release permits, but if that is not correct and this can be resolved that would solve the issue. Mr. Thomas stated he thinks it is an important part of the issue if applicant can't get permit because it's a big part of early release being held up by the plat when that is the only thing left to do. The utilities are going in and all the entities have approved it with the understanding of legal's concerns with PSO. Maybe Yuen Ho misunderstood something about the

process, that's what prompted the application to TMAPC for the Accelerated Release of Building Permit.

Ms. Fernandez stated it has always been her understanding that you can't have the foundation permits before you get a plat.

Ms. VanValkenburgh asked Mr. Dix is it possible Mr. Ling could go and talk to Yuen Ho and pass this to end of meeting.

Ms. Millikin withdrew her motion and Mr. Shivel withdrew his 2nd motion. Mr. Dix tabled item 17 until the end of the meeting.

After leaving the room to meet with Yuen Ho, Mr. Ling returned and stated he was in error, that applicant needed an Accelerated Release to get early foundation permit. As for the plat, Development Services needs confirmation on offsite easements before releasing but have no objections to the Accelerated Release.

Mr. Dix asked if staff was withdrawing their recommendation for denial.

Ms. Miller stated that staff recommendation was not based on Mr. Ling's recommendation it was based on the fact that it did not meet the standard requirements for an Accelerated Release of Permit in the Subdivision Regulations.

Mr. Willis stated if there is a way to approve this and not hold it up any longer he would support that.

Mr. Reeds agrees with Mr. Willis and doesn't understand why the applicant can't sign an at risk agreement because he has before in another city as a developer or applicant.

TMAPC Action; 7 members present:

On **MOTION** of **Willis**, TMAPC voted **6-1-0** (Dix, Fretz, Reeds Shivel, Stirling, Willis "aye"; Millikin, "nay"; none "abstaining"; Carnes, Covey, Midget, Walker "absent") to **APPROVE** the Accelerated Release Building Permit.

OTHER BUSINESS

18. Commissioners' Comments

None

ADJOURN

TMAPC Action; 7 members present:

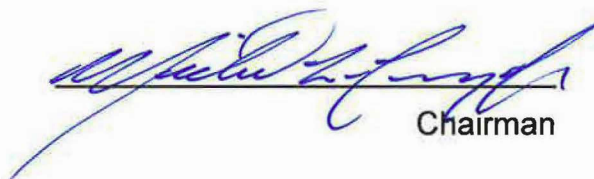
On **MOTION** of **Shivel**, TMAPC voted **7-0-0** (Dix, Fretz, Millikin, Reeds Shivel, Stirling, Willis "aye"; no "nays"; none "abstaining"; Carnes, Covey, Midget, Walker "absent") to **ADJOURN** TMAPC meeting 2726.


ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:37 p.m.

Date Approved:

08-03-2016


Chairman

ATTEST: 
Secretary