

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2732

Wednesday, October 19, 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
Covey	Carnes	Fernandez	Ling, COT
Dix	Stirling	Foster	VanValkenburgh, Legal
Fretz		Hoyt	
Midget		Miller	
Millikin		Sawyer	
Reeds		Ulmer	
Shivel		Wilkerson	
Walker			
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 13, 2016 at 2:53 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:

Director's Report:

Ms Miller reported TMAPC Receipts for September 2017 is consistent with last year except the zoning cases are down from last year. Ms Miller reported on the City Council actions. Ms. Miller stated the River Design Overlay will become effective October 26, 2017. The City Council voted to initiate a map amendment to RDO-1 on 26 acres in Helmerick Park that was removed during the adoption of RDO. That will be on the December 2, 2017 TMAPC meeting. Ms. Miller introduced Amy Ulmer to TMAPC Commissioners.

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1. **Minutes:**

Minutes of October 5, 2016, Meeting No. 2731

Approval of the minutes of October 5, 2016 Meeting No. 2731

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis “aye”; no “nays”; none “abstaining”; Carnes, Stirling “absent”) to **APPROVE** the minutes of the meeting of October 5, 2016 Meeting No. 2731.

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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-816** (Lot-Combination) (County) – Location: Northwest corner of West 61st Street South and South 59th West Avenue
3. **LC-817** (Lot-Combination) (CD 3) – Location: North of the northeast corner of East Oklahoma Street and North Vandalia Avenue
4. **LC-818** (Lot-Combination) (CD 4) – Location: East of the southeast corner of East 5th Court South and South Quincy Avenue
5. **LC-819** (Lot-Combination) (CD 8) – Location: East of South Kingston Avenue at East 118th Street South
6. **LS-20917** (Lot-Split) (County) – Location: Southeast corner of East 106th Street North and Highway 75
7. **LS-20918** (Lot-Split) (CD 5) – Location: South of the southeast corner of East 15th Street South and South Yale Avenue
8. **LS-20923** (Lot-Split) (CD 4) – Location: East of the southeast corner of East Admiral Place and South Pittsburg Avenue (Related to LC-820)
9. **LC-820** (Lot-Combination) (CD 4) – Location: East of the southeast corner of East Admiral Place and South Pittsburg Avenue (Related to LS-20923)
10. **Change of Access**-Lot 1, Block 1, Bixby Northeast Campus, (County)

This application is made to allow a change of access to add two access points and shift and lessen the width of one access along East 131st Street South. The property is zoned AG with Board of Adjustment approval for a school use.

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.

11. **Cosmopolitan Apartments**-Final Subdivision Plat, Location: Southwest corner of West 17th Street South and South Denver Avenue, (CD 4)

This plat consists of 1 Lot, 1 Block, on 2.8 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**, the TMAPC voted 9-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis “aye”; no “nays”; none “abstaining”; Carnes, Stirling “absent”) to **APPROVE** Items 2 through 11 per staff recommendation

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

PUBLIC HEARINGS:

12. **LS-20920** (Lot-Split) (County) – Location: South of the southwest corner of West 51st Street South and South 85th East Avenue

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

The Technical Advisory Committee met on October 6, 2016 and had the following comment. The County Engineer requests a Right-of-Way dedication to total 30' along 85th West Avenue.

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 staff why this item was not on consent agenda.

Staff answered applicant is asking for waiver of the Subdivision Regulations because tract 1 has more than three side lot lines that would be permitted by the subdivision regulations therefore a public hearing is required.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** LS-20920 per staff recommendation

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13. LS-20921 (Lot-Split) (County) – Location: South of the southwest corner East 176th Street North and North 129th East Avenue

The Lot-Split proposal is to split an existing AG (Agriculture) tract into three tracts. Tracts 1 and 2 of the resulting tracts will meet the Bulk and Area requirements of the Tulsa County Zoning Code. On, September 20th, The County Board of Adjustments granted a Variance of the minimum lot area and land area per dwelling unit to 1 acre; and a Variance of the minimum lot width from 150' to 84.47' for Tract 3.

The Technical Advisory Committee met on October 6, 2016 and had the following comment. The County Engineer requests a Right-of-Way dedication to total 30' along 129th East Avenue.

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** LS-20921 per staff recommendation

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14. **LS-20922** (Lot-Split) (County) – Location: East of the southeast corner of East 106th Street North and North Sheridan Road

The Lot-Split proposal is to split an existing AG (Agriculture) tract into two tracts. Tracts 1 will meet the Bulk and Area requirements of the Tulsa County Zoning Code. On, September 20th, The County Board of Adjustments granted a Variance of the minimum lot area and land area per dwelling unit to 1 acre; and a Variance of the minimum lot width from 150' to 132' for Tract 2.

The Technical Advisory Committee met on October 6, 2016 and had the following comment. The County Engineer requests a Right-of-Way dedication to total 50' along 106th street north.

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** LS-20922 per staff recommendation

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15. **Parkhill**-Authorization of an Accelerated Release of Building Permit, Location: East of the southeast corner of East 51st Street South and South Lewis Avenue, (CD 9) (Continued from September 21 and October 5, 2016)

The property is zoned CS (commercial shopping). A Minor Subdivision plat was approved October 5, 2016. 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 following information was provided by the Technical Advisory Committee on September 1, 2016:

TRANSPORTATION:

SEWER:

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

WATER:

- *Public Works, Water:* If the 6 inch stub off of the 16 inch water main line does not abut this site development then an extension of a looped public water main line could be required.

STORM DRAIN:

- *Public Works, Storm Water:* The "Detention Easement" must be maintained in its size and function. Any alteration will require new hydrologic analysis approval prior to construction.

FIRE:

- *Public Works, Fire:* Building features shall be installed as agreed upon between Parkhill and the Tulsa Fire Marshal in order to be considered an equivalent for the required turn-around.

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 Minor Plat should be finished soon for the site. The Commission should be aware that these types of authorizations have not been granted historically for smaller scale projects.

Mr. Dix asked staff if the issue with ODOT has been resolved.

Staff stated the dedication of right-of-way to the plat should take care of the ODOT issue.

Mr. Covey asked staff if the Subdivision Regulation update would change the Accelerated Building Permit process.

Staff stated that the process was being discussed.

Mr. Dix asked staff about the history of Accelerated Building Permits.

Staff stated the Accelerated Building Permit was created as a relief valve because plat waivers or temporary plats were not going to be allowed anymore because City Legal determined they were not allowed by law. The intent of the accelerated building permits was originally designed to accommodate large campus style type of developments and projects such as schools whose funding cycle requires they use the funds in a certain time period. The benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat. It is for unusual circumstances. This will be the first one related to a small project.

INTERESTED PARTIES COMMENTS:

Carolyn Back Wallace Engineering 200 East Mathew Brady Street, Tulsa, OK 74104

Ms. Back stated she is representing Parkhill. Ms. Back read from the Subdivision Regulations 2.5 Authorization for an Accelerated Release of a Building Permit. The purpose of this application shall be to obtain the Commission's authorization for release of a Building Permit prior to filing of the Final Plat. Applications will be reviewed on a project by project basis. Ms. Back stated nothing in the Subdivision Regulation stated the Accelerated Release of a Building Permit was only for large subdivisions. Ms. Back stated the Subdivision Regulations also states review shall focus on the extraordinary or exceptional circumstances that extend the normal processing schedule and on the benefits and protections to the City. Ms. Back stated a letter was submitted to TMAPC from Tulsa City Council Members GT Bynum (CD 9) and Phil Lakin (CD 8) that referenced the different circumstances such as the ODOT right of way and issues with the city's waterline. Ms. Back stated the research and repair she had to do on her clients behalf slowed down the plat process. Ms. Back stated there is a short period of time to get her client into the new building. Ms. Back further stated Parkhill Warehouse and Liquors has been at their current location at 51st and South Lewis Avenue for over 53 years and employ over 30 Tulsa residents. They are long standing members of the community and want to remain in the same area. Ms. Back said her client needs to be in the new building by Fall 2017. Although that sounds like a lot of time Ms. Back said the continuance from the October 5, 2016 TMAPC meeting delayed the process of getting the permit another 2 weeks. A rezoning of the property that occurred in April 2016 triggered the platting of this property. The applicant then went before the Board of Adjustment for a spacing verification and that was approved July 2016. The application for

Minor Subdivision plat was approved by TMAPC October 5, 2016. The plat is currently making its way through the City departments for signatures. Ms. Back stated on October 11, 2016 the Board of Adjustment approved the parking variance. The building permit application was submitted on September 7, 2016. Ms. Back stated normally after a rezone the applicant would ask for a plat waiver however there was right of way that needed to be dedicated that the City of Tulsa and ODOT thought had already been dedicated and the waterline was not in an easement. Ms. Back stated in the Subdivision Regulations it states that exceptional circumstances that extend the normal processing schedule and on the benefits and protection to the city that may be forfeited by the release of the building permit prior to filing. The letter submitted to commissioner's references holiday sales tax revenue to the city, if the client is not in the new location by the holiday season 2017, Parkhill will have to close during this time and yes that's a loss for the client but it's a large loss of revenue for the city as well. The owner has collected over 900 signatures (Exhibit A) in support of the Accelerated Building Permit that Ms. Back submitted to TMAPC and a support letter (Exhibit B) from Tulsa City Councilors GT Bynum and Phil Lakin. Ms. Back stated she has great respect for staff and it's always very uncomfortable to stand before the Planning Commission and ask for approval of the Accelerated Building Permit when staff is recommending denial. Ms. Back is asking for approval of the Accelerated Building Permit.

Mr. Walker asked Ms. Back if Parkhill was relocating to allow QuikTrip to build on the corner.

Ms. Back answered she did not have an answer for that.

Mr. Walker asked why they were relocating.

Ms. Back stated applicants lease was up and they were relocating.

Mr. Dix asked Ms. Back when the lease was up.

Ms. Back answered fall 2017

Mr. Dix stated this is October 2016 and the lease isn't up for a year

Ms. Back stated construction timeline is 10-12 months that is what the applicant has been told.

Mr. Dix asked if this was an existing building or a tear down completely.

Ms. Back answered it is a tear down because the existing building would not accommodate the needs of the applicant.

Mr. Dix stated he doesn't see the need for an Accelerated Building Permit with 14 months and the final plat in process.

Ms. Back stated when talking to the construction manager he states it's 10-12 months construction time.

Tyler Wallace GS2 Architects 320 South Boston Suite 100, Tulsa, OK 74103

Mr. Wallace stated the 14 months is to allow for the winter wet season. The move will also require keeping the business operational during the move.

Mr. Dix stated he keeps looking for a compelling argument for the Accelerated Building Permit. Mr. Dix stated in his opinion there is a massive amount of lead time, and Mr. Dix doesn't believe the reason is valid for the Accelerated Building Permit. Mr. Dix stated the letter from City Councilors for that area really offends him that politics were involved. Mr. Dix stated he doesn't believe the City Councilors know the amount of time involved in completing these types of projects. Mr. Dix stated for this commission to be advised on how to do their job is offensive to Mr. Dix. Mr. Dix will not be supporting the Accelerated Building Permit.

Mr. Covey asked applicant when the lease expires.

Ms. Back stated December 31, 2017

Mr. Covey asked if the applicant if he could ask for an extension on his current lease.

Lance Parkhill 11609 South Richmond Avenue, Tulsa, OK 74137

Mr. Parkhill stated the lease is up December 31, 2017 the landlord has extended the applicant one year and he is currently in that year. Rumor is there is an agreement with a Quiktrip store.

Mr. Covey asked what happens if construction goes past the 12 months.

Mr. Parkhill stated he would have to close.

Mr. Covey stated if the commission grants the Accelerated Building Permit there is no guarantee construction would be completed in the 12 months.

Mr. Parkhill stated yes.

Mr. Reeds stated 9-12 months is a normal period for a building such as this. Mr. Reeds asked where did the architect stand on the drawing currently.

Mr. Wallace answered they are in the middle of the response process and should have the response back to permitting by the end of the day.

Mr. Reeds asked even if you received approval of the Building Permit today could you still finish the project by December 2017.

Ms Back answered the hope is to have him in new building by Thanksgiving 2017 or by the end of December 2017.

Ms. Millikin asked if the applicant is including as part of the exceptional circumstances the difficulties with no right of way and the infrastructure and easement issues as the reasons for the delays.

Ms. Back stated yes.

Ms. Millikin asked if this was something the City of Tulsa should have done.

Ms. Back stated she believed it was something ODOT should have done when they were doing the right of way improvements in that area.

Ms. Millikin stated so it's not just the fact that the lease expires in one year and the applicant doesn't want to be caught out of business but also all these other difficulties with the waterline easement and the right of way.

Ms. Back stated yes at the clients cost.

Mr. Walker asked if Ms. Back thought the Building Permit would be approved in 2 weeks.

Ms. Back answered maybe 3 weeks to a month.

Mr. Covey asked staff if they considered the issues with this project and ODOT extraordinary or exceptional circumstances or is this just part of the process.

Staff stated it is unusual and it was also unusual that they needed a second easement. They are operating in good faith because they came forward with a plat that was necessary.

Mr. Covey asked Ms VanValkenburgh if TMAPC granted the Accelerated Building Permit what is the downside to the City of Tulsa.

Ms. VanValkenburgh answered you want to make sure the plat gets filed and the dedication gets made. Ms VanValkenburgh stated the plat has been signed by the City of Tulsa Legal Department and now will go to the City Engineer and then immediately to the City Council. It should be at City Council by Wednesday October 26th, 2016 unless something gets hung up in engineering. The Mayor normally signs them the following Monday. Ms. VanValkenburgh stated the timeframe is closer to two weeks maximum.

Mr. Walker asked Mr. Parkhill if he could share the amount of his tax submittals to the City of Tulsa.

Mr. Parkhill stated he didn't have those numbers with him but it was sizable.

Mr. Willis stated if the commission can help the developer with the issues outside of their control then we should do so.

Mr. Willis stated he would be support issuing the Accelerated Building Permit.

Mr. Reid stated he also will be supporting the application as well.

Mr. Midget stated he also will be supporting the application also. If the applicant can get the plat approved in two weeks that's fine but if not they have a tool to proceed.

Ms. Millikin states she believes the applicant has met the requirements for the Accelerated Building Permit. Ms. Millikin stated she will be supporting the application.

Mr. Dix stated he will be opposing the application because its 14 months away and Mr. Dix doesn't see the need for it. The engineer's reason for the need of the Accelerated Building Permit, the weather, does not process. All years have weather and as contractors you deal with it.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted 8-1-0 (Covey, Dix, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; Fretz "nays"; none "abstaining"; Carnes, Stirling "absent") to recommend **APPROVAL** of the Accelerated Release of Building Permit.

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16. Titan Sports-Preliminary Subdivision Plat, Location: East of the northeast corner of East 81st Street South and South Elwood Avenue, (CD 2)

The plat consists of 1 Lot, 1 Block, on 59. 5 acres.

The following issues were discussed October 6, 2016, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL (light industrial) and has a Special Exception for the use. A release letter from the railroad is requested.
2. **Streets:** Provide limits of no access for 81st Street south on the plat. Provide 5 foot wide sidewalks and access ramps and must be shown on Preliminary plat. Sidewalks must be located a minimum 18 inches from property line and 2 feet behind curb. Please call out radiuses on the driveway. The City of Tulsa is participating in allowing access to 71st Street.
3. **Sewer:** No comments.
4. **Water:** The use of a private water main line with a public fire flow meters is an option. For a public water main line 29 feet of waterline easement will be required. Add on the plat and put the language of the waterline easement in the covenants. All proposed public water main lines installed under pavement must be ductile iron pipe. ODEQ horizontal separation between water main lines and storm sewer main lines must be met.
5. **Storm Drainage:** There appears to be a large offsite drainage area to the west of the site property line which will need access storm systems and easements across the property. It is unclear what the plan is for offsite drainage and conveyance across the property. It appears the easements presently provided are inadequate in location and size. Floodplain: the subject property is located within the Hger Creek Floodplain. The site plan should include all delineated floodplain boundaries. FEMA Floodplain (Zone AE), floodway and levee must be clearly and accurately identified on plans. Any 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.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO is okay with the site, but any changes to lighting standards will be at developers' expense.

7. **Other: Fire:** No comment.
8. **Other: GIS:** Submit a control data sheet. Correct the location map to the correct township, range and section. Label the project location with a leader line and text. **Tulsa Health Department:** Concern about connectivity to the nearby school, etc. was expressed. A letter is attached. **Tulsa Airport Director:** The airport director, Jeff Mulder, spoke about several concerns and distributed a packet of information including letters from the federal aviation authority which is attached. Concern about the location of fields away from the airport runway, tree location in regards to light glare and cover was expressed as well as access issues.

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 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.

Jeff Mulder 7777 East Apache, Tulsa OK 74115

Mr. Mulder stated he is the Airport Director for Tulsa, OK. Mr. Mulder states he wanted to voice his concerns that were included in a letter sent to TMAPC.

The first item is storm water runoff and Mr. Mulder believes the applicant is working on that. The second item is the encroachment of the FAA Part 77 Runway Protection Zone which is a trapezoid shape off the end of every runway that the FAA requires to be free of obstructions and activity if possible. Mr. Mulder stated he met with the developer at the TAC meeting and the developer stated they were looking at an alternate road that would not run through that protected zone. But the developer indicated he would like to have the original roadway remain as an overflow.

Mr. Covey asked Mr. Mulder if the applicant decides to keep the road in the protected zone is there a law that prohibits this and is that the developers problem or the airports problem.

Mr. Mulder answered it would become the airports problem.

Mr. Covey stated so the developer could do it if they wanted to.

Mr. Mulder stated yes.

Mr. Covey asked if there are protected zones around an airport why the airport doesn't buy the property inside these zones.

Mr. Mulder stated the airport does own most of the protected area. In some cases the area is just not available for the airport to acquire.

Mr. Mulder stated the FAA recommends an occupancy limit of 5 people per acre. The concern is for the soccer field. Mr. Mulder stated the developer is working with the FAA and has agreed to put the stands on the Westside of the soccer field. Mr. Mulder stated the next issue is structure; lighting and fencing these are things that involve height obstructions. Mr. Mulder stated the developers lighting height was okay and still waiting on building height. Mr. Mulder stated another is the glare from lights; this makes it hard for pilots to see the runway lights and for air traffic controllers to look north for incoming airplanes. Mr. Mulder stated another issue is occupancy levels. There are several other concerns of the FAA but the developer is working with the airport to address these as well.

Mr. Covey asked Mr. Mulder to point out where zone five and zone three were on the page 16.17.

Mr. Mulder stated the blue lines represent the zones.

Erik Enyart Tanner Consulting 5223 South Lewis Avenue, Tulsa, OK

Mr. Enyart stated he is the developer and they have been working closely with the airport authority to resolve these design issues.

Mr. Midget asked Mr. Enyart if the main road was going to be moved to the west.

Mr. Enyart answered the road would be within the project boundary and outside of the levy. The developer hopes to utilize the existing road that is within the easement on the east side as an auxiliary road.

TMAPC Action; 9 members present:

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

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17. **Z-5412-SP-1b-Andrew Shank** (CD 9) Location: West of the Northwest corner of East Skelly Drive and South Harvard Avenue, requesting Corridor Minor amendment to establish sign standards for existing and future signage.

STAFF RECOMMENDATION:

Amendment Request: Modify the Corridor Plan establish sign standards for existing and future signage.

Wall, ground and outdoor advertising signs currently existing at this location. The proposed modification is attempting to establish sign criteria which incorporates the existing signs and provides standards for future signage. The original corridor development plan did not provide adequate guidance for sign standards as well as not addressing signs that were already in existence on site at the time.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 25.040D.3.b (5) of the Corridor District Provisions of the City of Tulsa Zoning Code.*

“Minor amendments to an approved corridor development plan may be authorized by the Planning Commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the Corridor Development Plan.
- 2) All remaining development standards defined in Z-5412-SP-1 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to modify the sign standards.

Andrew Shank Eller & Detrich 2727 East 21st Street, Suite 200 Tulsa, OK
Mr. Shank stated he was fine with saying per lot because it's to cover the sign that exists already.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis “aye”; no “nays”; none “abstaining”; Carnes, Stirling “absent”) to **APPROVE** the Corridor Minor amendment Z-5412-SP-1b per staff recommendation that the words “per lot” be removed from Exhibit A, Item I Ground Signs.

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18. **Z-7364-Jim Congleton** (CD 1) Location: North of the Northwest corner of East 46th Street North and North Victor Avenue requesting rezoning from **RS-3** to **AG**.

STAFF RECOMMENDATION:

SECTION I: Z-7364

DEVELOPMENT CONCEPT:

The applicant is proposing to rezone a property that is currently in an RS-3 zone to AG zone. The applicant proposes to utilize the site for a single-family residence along with keeping horses.

DETAILED STAFF RECOMMENDATION:

Z-7364 requesting AG as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

AG zoning is harmonious with existing surrounding property; and

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

Staff recommends **Approval** of Z-7364 to rezone property from RS-3 to AG

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7364 is included in New Neighborhood and an Area of Growth. The rezoning request will complement the vision identified.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: This site is approximately 2/3 mile from the Osage Trail

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant and is a wooded and prairie site with no visual evidence of previous urban development.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Victor Avenue	None	50 feet	2
East 48 th Street North	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-3	Park & Open Space	Stability	Park
South	RS-3	New Neighborhood	Growth	Single-family / Agricultural
East	RS-3	New / Existing Neighborhood	Growth	Single-family / Religious
West	RS-3	New / Existing Neighborhood	Stability/Growth	Single-family / Vacant

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11802 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-10323 February 1, 1979: The Board of Adjustment **approved** a *Special Exception* to permit a children's day care center in the existing building, and one 4' x 6' unlighted sign be allowed, to run with this owner only, on property located at 1710 E. 48th St. N., and also known as the subject property.

BOA-3327 December 16, 1959: The Board of Adjustment **approved** a *Special Exception* to permit the Young Men's Christian Association to develop the north 5 acres, on property located at and also known as the subject property.

Surrounding Property:

No relevant history.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **APPROVE** rezoning from **RS-3 to AG** per staff recommendation

BEG NWC SW SE TH E TO EL W/2 W/2 SW SE TH S712.11 W304.44 N737.43
POB LESS N25 &E25 FOR ST SEC 7 20 13, City of Tulsa, Tulsa County, State
of Oklahoma

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Items number 19 and 20 were considered together.

19. **Z-7365-James Lindsey** (CD 3) Location: Northeast corner of East Oklahoma Street North and North Sheridan Road requesting rezoning from **OL to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7365

DEVELOPMENT CONCEPT:

The site has been zoned OL for years but has been previously used as a restaurant, office and single family dwelling. The existing OL zoning is not consistent with existing buildings on the site and limits redevelopment

opportunities for the existing structures. Existing infrastructure including streets and all utilities are adjacent and available to the site.

DETAILED STAFF RECOMMENDATION:

Z-7365 requesting CS zoning is consistent with the Town Center Land Use designation in the Tulsa Comprehensive Plan and,

CS zoning is consistent with the anticipated future development pattern on the property surrounding the site and,

CS zoning is harmonious with the existing property surrounding the site therefore,

Staff recommends Approval of Z-7365 to rezone property from OL to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The rezoning request is supported by the Town Center Designation in 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 Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the

area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan: None that affect the zoning decision. North Sheridan Road is a Secondary arterial with a Multi Modal Corridor Street Designation

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

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 zoning case is two lots with two separate owners. The lots have three buildings that have been used for office, restaurant and single family use.

See street view snippet looking east from North Sheridan below:



Environmental Considerations: None that would affect a CS zoning consideration.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Sheridan Road	Secondary Arterial with Multi Modal Corridor	100 feet	4
East Oklahoma Street	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-3	Town Center	Growth	Church
East	RM-1	Existing Neighborhood	Growth	Single Family Residential
South	OL	Town Center	Growth	Fire Station

West	CS	Town Center	Growth	Smoke Shop and Contractor office
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SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11910 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-6586 April 21, 1970: The Board of Adjustment approved a Special Exception to extend a nonconforming restaurant in a U-3B (OL) district (proposes to square up present building), on property located on Lot 3, Block 3, Saint Peter and Paul Addition.

BOA-2623 December 8, 1954: The Board of Adjustment approved a request to extend a non-conforming use, on property located on Lot 3, Block 3, Saint Peter and Paul Addition.

BOA-2289 December 12, 1951: The Board of Adjustment approved a request to add an addition to rear of present building which is a barbecue eating establishment, on property located on Lot 3, Block 3, Saint Peter and Paul Addition.

Surrounding Property:

Z-6527 May 2, 1996: All concurred in approval of a request for rezoning a 1± acre tract of land from RM-2 to CS for retail use, on property located south of the southwest corner of E. Oklahoma Pl. and N. Sheridan Rd. and abutting west across N. Sheridan Rd. from subject property.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

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

Mr. Dix asked staff what the proposed use of this property would be. Staff stated there is none at this time. There is empty building but the OL zoning prohibits them from using the buildings as constructed.

Bob Zilm 6762 East 25th Place, Tulsa, OK 74129

Mr. Zilm stated the easement issues have been addressed. The developers have a legal description ratified by surveyor. The owner is prepared to give an eight

foot easement on the north to cover the sanitary sewer line. Mr. Zilm stated any objections staff may have he was ready to resolve.

Mr. Dix asked Mr. Zilm if there was a proposed use of the property.

Mr. Zilm answered no.

Lots 2 and 3, Block 3, Saint Peter and Paul Sub., City of Tulsa, Tulsa County, State of Oklahoma

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20. **Z-7365**-Plat Waiver, Location: Northeast corner of North Sheridan Road and East Oklahoma Street, (CD 3)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning from OL to CS.

Staff provides the following information from TAC for their September 15, 2016 meeting:

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

STREETS: Provide limits of no access for North Sheridan and East Oklahoma as there are currently too many access points. Provide 5 foot wide sidewalks and access ramps along North Sheridan and East Oklahoma. Sidewalks must be located a minimum of 18 inches from the property line and 2 feet behind the curb. Sheridan is a secondary arterial street and Oklahoma is a residential collector. Provide dimensions for locating the right of way. Driveways should be 24 feet to 36 feet. Use a 25 foot radius and 2% slope for sidewalk through driveways. Provide 30 foot corner radius or equivalent clip at the southwest corner.

SEWER: An 8 inch sanitary sewer line exists along north and east property lines. Use only a 5 foot dedicated easement along east property line. Dedicate 8 foot utility easement along north property line and an additional 6 foot utility easement along east property line.

WATER: Water main lines exist along both Sheridan Road and Oklahoma Street.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

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 and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X

12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

TMAPC Action; 9 members present:

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

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TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted 9-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Stirling "absent") to **ADJOURN** TMAPC meeting 2732.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:59 p.m.

Date Approved:

11-02-2016


Chairman

ATTEST:


Secretary