

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2741

Wednesday, March 1, 2017, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Adams	Reeds	Foster	Ling, COT
Carnes		Hoyt	VanValkenburgh, Legal
Covey		Miller	
Dix		Sawyer	
Doctor		Ulmer	
Fretz		Wilkerson	
Krug			
Millikin			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, February 28, 2017 at 11:46 a.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:

The City Council Special Meeting will start in this room at 5:00 p.m.

Director's Report:

Ms. Miller stated TMAPC Receipts for the month of January 2017 is consistent with December 2016 and January 2016. Ms Miller reported on items approved by City Council. Ms. Miller reported the Zoning Code Amendments will be at City Council on March 8, 2017. Ms. Miller also stated work continues on the Subdivision Regulations and a work session will be needed for April 19, 2017 to discuss.

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1. Minutes:

Approval of the minutes of February 15, 2017 Meeting No. 2740

On **MOTION** of **CARNES**, the TMAPC voted 10-0-0 (Adams, Carnes, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **APPROVE** the minutes of the meeting of February 15, 2017, Meeting No. 2740.

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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-867** (Lot-Combination) (CD 1) – Location: Southeast corner of North Rockford Avenue and East Independence Street
3. **LS-20964** (Lot-Split) (CD 2) – Location: West of the Northwest corner of South Florence Avenue and East 70th Street South
4. **LS-20965** (Lot-Split) (CD 9) – Location: East of the northeast corner of South Cincinnati Avenue and East 34th Street South
5. **LS-20966** (Lot-Split) (CD 7) – Location: East of the Southeast corner of East 51st Street South and South 122nd East Avenue
6. **PUD-168-12 Perfection Homes** (CD 8) Location: Southeast corner of South Harvard Avenue and East 81st Street South requesting a **PUD Minor Amendment** to allow all uses permitted by right in CS

STAFF RECOMMENDATION:

SECTION I: PUD-168-12 Minor Amendment

Amendment Request: Modify the PUD Development Standards to allow all uses permitted by right in a CS district in Development Area B.

Currently OL office uses are permitted in Development Area B while CS uses are allowed in Development Area A. The applicant proposes to allow CS uses in Development Area B. The applicant has not requested to amend any other existing development standards at this time.

It should be noted that, per the current standards, parking in Development Area B is based on office uses listed. If approved, this amendment would allow uses not currently addressed in the PUD parking standards for Development Area B. Parking for uses not currently listed in the parking development standards for Development Area B shall comply with the appropriate parking ratios found in the City of Tulsa Zoning Code Chapter 55.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(15) of the City of Tulsa Zoning Code.*

“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) Parking for uses not currently addressed in the Development Standards for Area B shall be per minimum parking ratios listed in Chapter 55 of the City of Tulsa Zoning Code.
- 3) All remaining development standards defined in PUD-168 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow all uses permitted by right in CS.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Carnes, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds, “absent”) to **APPROVE** Items 2 through 6 per staff recommendation.

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

PUBLIC HEARINGS:

Items 7 and 8 were taken together

7. **CPA-56 JR Donelson** (CD 9) Location: North and east of the northeast corner of South Lewis Avenue and East Skelly Drive requesting to amend the Comprehensive Plan Land Use Map from Existing Neighborhood to Mixed-Use Corridor and the Stability and Growth Map from Area of Stability to an Area of Growth (Related to Z-7373) (Continued to April 19, 2017 per Applicant)
8. **Z-7373 JR Donelson** (CD 9) Location: North and east of the northeast corner of South Lewis Avenue and East Skelly Drive requesting rezoning from **RS-1** to **OL**. (Related to CPA-56) (Continued to April 19, 2017 per request of Applicant)

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Carnes, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds “absent”) to **CONTINUE** items CPA-56 and Z-7373 to April 19, 2017.

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9. **CPA-58 Lou Reynolds** (CD 4) Location: West of the northwest corner of East 13th Place and South Lewis Avenue requesting Land Use Map change from Existing Neighborhood to Main Street and Stability and Growth Map change from Area of Stability to an Area of Growth (Related to PUD-762-A and Z-7378)

STAFF RECOMMENDATION:

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>Existing Neighborhood</i> Existing Stability and Growth designation: <i>Area of Stability</i>
Proposed Land Use: <i>Main Street</i> Proposed Stability and Growth designation: <i>Area of Growth</i>
Location: W of the NW/c of E 13 th Pl and S Lewis Ave
Size: .328 acre



A. Background

The site that is subject to this Comprehensive Plan amendment application is located in midtown Tulsa, within an existing residential neighborhood. The surrounding area contains a mixture of uses including single family residential on the north; a CS zoned bank on the east; a vacant residential lot on the west and the Broken Arrow Expressway on the south. On January 19, 2017 the applicant submitted PUD abandonment (PUD-762-A) and a rezoning application (Z-7378) from RS-3/CS to OMH/CS on the .328 acre subject site and the commercial site immediately east of the subject tract.

The applicant has submitted a Comprehensive Plan amendment and a rezoning application with an optional development plan to accommodate expansion of the banking facility immediately east of the subject lot. The applicant has stated that Encentus Federal Credit Union intends to purchase the remaining portion of the subject property zoned RS-3, demolish the existing house on the site and expand the two-story office building and its parking area west along E 13th Place S.

B. Existing Land Use and Growth Designations (Tulsa Comprehensive Plan and Utica Midtown Corridor-North Small Area Plan)

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

“The **Areas of Stability** includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.”

An *Existing Neighborhood* land use designation was assigned for the area subject at the time of the adoption of the Tulsa Comprehensive Plan in

2010 and at the adoption of the Utica Midtown Corridor-North Small Area Plan in 2012:

“The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa’s existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.”

C. Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)

The applicant is proposing a *Main Street* and an *Area of Growth* and designation on the subject site.

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

“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.”

D. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Area of Growth	Existing Use
North	RS-3	<i>Existing Neighborhood</i>	Area of Stability	Single family residential
South	RS-3	<i>N/A</i>	<i>N/A</i>	Broken Arrow Expressway
East	CS	<i>Main Street</i>	Area of Growth	Commercial
West	RS-3	<i>Existing Neighborhood</i>	Area of Stability	Single family residential

E. Applicant’s Justification:

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

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

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

HOW CONDITIONS ON THE SUBJECT TRACT AND SURROUNDING AREA HAVE CHANGED

The property is subject to a pending PUD abandonment in PUD 762-A and a rezoning to OMH-Office Medium Heavy District in TMAPC Case No. Z-7378. The purpose of the OMH zoning is to provide for

the expansion of the recently constructed Encentus Federal Credit Union.

In 2008 Encentus assembled four lots under PUD 762 constructed and relocated its credit union facility to the then new two-story office building. Despite being included within PUD 762, one of the lots supporting Encentus' were designated as "Existing Neighborhood" and "Area of Stability". The Encentus business at the site has continued to grow and Encentus plans to purchase the property zoned RS-3 to the west of PUD 762 and expand the two-story office building and its parking area to the west.

The Encentus project in 2008 has been a catalyst for new development in this area as evidenced by the new developments to the north of the property on both sides of S Lewis Ave.

HOW THESE CHANGES HAVE IMPACTED THE SUBJECT TRACT AND SURROUNDING AREA

The property is designated as "Existing Neighborhood" and "Area of Stability" when most of the growth and redevelopment in the neighborhood has been consistent with the land use designation of "Main Street" as evidenced by the redevelopment of the commercially zoned property in the vicinity of the property.

HOW THE PROPOSED CHANGE WILL ENHANCE THE SURROUNDING AREA AND THE CITY OF TULSA

The Comprehensive Plan did little, if anything, to plan the area for either growth or stability. Instead, except PUD 762, the Comprehensive Plan followed the then existing development pattern in the area and "planned" the residential area as Existing Neighborhood and Area of Stability and the commercially zoned area as Main Street and Area of Growth. At the time of the Comprehensive Plan and its subsequent Small Area Plan, the portion of the property adjacent to PUD 762 was, and is today, the site of a dated and decaying single family structure that has been used for rental purposes for over ten years. Additionally, at the time the commercial area was mostly made up of dated and decaying single family structures. The economically vibrancy of Cherry Street and the area and 15th and Lewis is beginning to push north of the Broken Arrow Expressway, and such activity has not been accounted for in the Comprehensive Plan.

The existing house to the west of the subject lot does not front onto E 13th Place; instead, such house fronts onto Terrace Drive and the rear of such house backs up to the property. Additionally, the rear of the house is approximately 50 feet west of the property line and there

is a detached garage between such house and the property line. Finally, such house is built approximately 40 feet north E 13 Place, so there is not a front sight line that needs to be protected.

The vitality of the existing neighborhood is directly related to the vitality of the Main Street. Likewise, the vitality of the Main Street is directly related to the vitality of the Existing Neighborhood. The Comprehensive Plan for this area does not fully recognize the relationship and the Plan should be more supportive of additional commercial activity that complements both the commercial and residential neighborhood.

The change of land use designated to Main Street from Existing Neighborhood and Area of Growth from Area of Stability will permit the expansion of Encentus facility; which will replace a dilapidated structure with modern facilities that will enhance the relationship between the existing neighborhood and the adjacent office use, as well as enhance the employment and development opportunities with the surrounding area and provide growth and economic development for the City of Tulsa.

F. Staff Summary:

The applicant is proposing to expand the *Main Street* designation onto a site that contains a parking area and a single family home to accommodate the expansion of the bank and off-street parking area immediately east of the subject site. The most recent development on the site included the approval of PUD-762 in 2008 that permitted the existing parking area and banking facility on the eastern portion of the RS-3 zoned subject site and the CS zoned lot immediately east of the subject site. The western portion of the subject site and the area to the west were designated as Existing Neighborhood and an Area of Stability when the Comprehensive Plan was adopted in 2010 and the subsequent adoption of the Utica Midtown Corridor-North Small Area Plan in 2012. It appears that the land use and growth and stability designations were laid over the existing zoning but did not take into account the emerging development pattern of this portion of E 13th Place S. The proposed *Main Street* and *Area of Growth* designations are appropriate for the existing commercial use on the eastern portion of the site provides a well-suited use for the remainder of site that benefits the surrounding residents and businesses.

The City of Tulsa Planning/Development Department has provided planning comments and considerations that are attached to the end of this staff report. There is always concern that changes in land use designations will destabilize existing residential uses on adjacent properties. As shown on the pictures the subject site fronts onto south E 13 Place S and the Broken Arrow Expressway. The RS-3 zoned lot immediately west of the site is vacant and the RS-3 lots to the north are occupied by single-family residences. To ensure appropriate edge

treatment between the proposed commercial/office area and the established residential neighborhood the requested rezone will be accompanied by a development plan that will require a landscaped buffer area and a masonry wall along the north and western boundary of the subject site.

A priority of the Tulsa Comprehensive Plan and the Utica Midtown Corridor-North Small Area Plan is to encourage neighborhood retail services in close proximity to or with residential areas to help reduce car trips and the need for off-street parking. The proposed land use designation appears to be consistent with the recommendation of the Comprehensive Plan and Small Area Plan as it would permit expansion of a compatible land-use within in the area and provides convenient access to a community-oriented service which can help promote shorter auto trips, more walking and bicycling since residential areas are nearby.

STAFF RECOMMENDATION

- Staff recommends approval of the ***Main Street and Area of Growth*** land use designations as submitted by the applicant.





Subject Site – Looking NE



Street View– Looking East



Street View– Looking West

TMAPC Action; 10 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **10-0-0** (Adams, Carnes, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds, “absent”) to **APPROVE** CPA-58 per staff recommendation.

* * * * *

Items 10 and 11 were heard together

10. PUD-762-A Lou Reynolds (CD 4) West of the northwest corner of East 13th Place and South Lewis Avenue requesting to **Abandon PUD-762** (related to CPA-58 and Z-7378)

STAFF RECOMMENDATION:

SECTION I: PUD-762-A Abandonment

DEVELOPMENT CONCEPT: The existing business has outgrown its building and is planning to expand to the west. To accommodate the expansion a rezoning request must be approved. The Tulsa Zoning Code does not allow expansion of the PUD boundary therefore the appropriate zoning solution includes abandoning the existing PUD; approve rezoning the site and expansion property to the west. The development plan is very similar to the PUD standards that were previously approved. The concept includes an optional development plan for the entire existing site and its expansion area.

DETAILED STAFF RECOMMENDATION:

PUD-762-A is an abandonment of PUD-762 and is required to support expansion of the existing business. Abandonment of the PUD would not be supported without the concurrent rezoning request with the optional development plan that covers the entire PUD and its expansion area and,

The request to abandon the PUD is consistent with the current land use designation of the Comprehensive Plan and staff supports a concurrent request to amend the Comprehensive Plan by CPA-58 and,

The request to abandon the PUD would be injurious to the surrounding property owners and would create non conforming uses on the property without the

concurrent request for rezoning and an optional development plan identified in Z-7378 therefore,

Staff recommends Approval of PUD-762-A Abandonment to rezone property from RS-3/CS/PUD-762 to PUD-762-A Abandonment but only in conjunction with the approval of Z-7378 with the optional development plan which also covers a CS zoned district on the east edge of the site.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The zoning request is consistent with the existing Main Street land use designation and the concurrent Comprehensive Plan amendment (CPA-58) to Main Street on the western portion of the site.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood, Main Street

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

The concurrent comprehensive plan revision would remove the Existing Residential Neighborhood designation however the west portion of the site currently is classified as an Existing Residential area and is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

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 areas 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.”

The concurrent comprehensive plan revision would remove the Area of Stability as currently illustrated on the Land Use Map however the Area of Stability is defined as an area that includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan:

South Lewis is considered an Urban Arterial with a Multi Modal Corridor. 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 that affect the site.

Small Area Plan: Utica Midtown Corridor Small Area Plan

The Utica Midtown Corridor Small Area Plan and the Tulsa Comprehensive Plan are in alignment.

Amending the Land use designation for the western portion of the site through the Planning Commission and City Council public hearing and notification respects the efforts of the Small Area Plan process.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:



Staff Summary: The existing building screening lighting, signage and landscape standards were defined in the PUD previously approved at this site. The proposed building and site design standards will be carried through with the optional development plan.

Environmental Considerations: None that affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 13 th Place South	None	50 feet	2 lanes west bound only
South Lewis Avenue	Urban Arterial	70 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	RS-3 (west) CS (east)	Main Street (east) and Existing Neighborhood (west)	Growth (east) and Stability (west)	Single Family Residential (west) Office (east)
East	IL	Main Street	Growth	Industrial and Office
South	Broken Arrow Expressway but CH and OM south of the expressway	None but Town Center south of the expressway	Growth	Commercial and office
West	RS-3	Existing Neighborhood	Stability	Single Family Residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 20253 dated December 7, 2001 (RS-3), and 11815 dated June 26, 1970 (CS), established zoning for the subject property.

Subject Property:

PUD-762 November 2008: All concurred in **approval** of a proposed *Planned Unit Development* on a .78± acre tract of land for a bank with drive thru service, on property located on the northwest corner of South Lewis Avenue & East 13th Place and also known as a part of the subject property.

Z-6842 December 2001: All concurred in **approval** of a request for *rezoning* a .781± acre tract of land from OM to RS-3 for single-family residential use on property located on the northeast corner of East 13th Street and South Terrace Drive and a part of the subject property.

BOA-13873 January 1986: The Board of Adjustment **approved** a *special exception* to allow a single-family dwelling and an accessory garage in an OM-zoned district, on the easternmost lot of the subject tract. The Board approved the use, finding that the area was predominantly single-family dwellings.

Surrounding Property:

BOA-18844 September 12, 2000: The Board of Adjustment **approved** a *special exception* to permit a single-family dwelling in an OM district, on property located at 1309 S. Terrace Dr.

BOA-13625 June 27, 1985: The Board of Adjustment **approved** a *Use Variance* to allow for an office in an RS-3 district; per plot plan; finding an unnecessary hardship imposed on the applicant by the multiple zoning in the area; subject to a 6' screening fence being constructed on the west boundary of the lot in question, on property located at 2322 E. 13th St. and abutting north of subject property.

BOA-581 January 8, 1929: The Board of Adjustment **approved** a *variance* to permit 2-family dwelling, with conditions that the building on the rear of the lot is used as a garage or servants quarters and not as a rental property on property located on Lot 4, Block 10, Terrace Drive Addn. and abutting north of subject property.

11.Z-7378 Lou Reynolds (CD 4) Location: West of the northwest corner of East 13th Place and South Lewis Avenue requesting rezoning from **RS-3/CS** to **OMH/CS with optional development plan** (related to CPA-58 and PUD-762-A)

STAFF RECOMMENDATION:

SECTION I: Z-7378

DEVELOPMENT CONCEPT: The existing business has outgrown its building and is planning to expand to the west. To accommodate the expansion a rezoning request must be approved. The Tulsa Zoning Code does not allow expansion of the PUD boundary therefore the appropriate zoning solution includes abandoning the existing PUD, approve rezoning the site for an expansion of the site to the west. The development plan is very similar to the PUD standards that were previously approved. The concept includes an optional development plan for the entire existing site and its expansion area.

SECTION II: Optional Development Plan standards:

Z-7378 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CS and OMH zoning district and its supplemental regulations except as further refined below:

A. Permitted Uses:

- a. Commercial Use Category limited to the subcategories and specific uses defined below and uses that are customarily accessory to the permitted uses.
 - i. Financial Services
 - ii. Other
 - 1. Drive-through facility (as a component of an allowed principal use)
 - 2. Outdoor off premise advertising but limited to the portion of the property zoned CS.
 - iii. Office
 - 1. Business or professional office
 - 2. Medical, dental or health practitioner office

B. Maximum Permitted Floor Area:

12,000 square feet

C. Minimum Building Setbacks:

- a. From the east boundary of the development plan 10 feet
- b. From the south boundary of the development plan 10 feet
- c. From the north boundary of the development plan 30 feet
- d. From the west boundary of the development plan 50 feet

D. Landscape Standards:

- a. A minimum of fifteen percent (15%) of the total net land area, and twenty percent (20%) of the street setback area shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code.

E. Signs:

- a. One(1) double-faced sign, four feet (4FT) by eight feet (8FT), excluding the base with a maximum display surface area of thirty-two square feet (32SF) per side (64SF of display surface area total) and a maximum height of ten feet (10 FT) will be permitted near the southeast corner of the Property.
- b. Wall signs shall not exceed two square feet (2 SF) of display surface area per linear foot of building wall to which the sign is affixed. The length of the sign shall not exceed seventy-five (75%) of the length of the building wall to which the sign is affixed. No

west or north facing wall signs are permitted, except directional signs which shall be permitted at the entrances and exits.

- c. One (1) outdoor advertising sign (existing at the time of this approval shall be permitted) the outdoor advertising sign may only be located in the portion of the property zoned CS.

F. Lighting:

- a. Within the west one hundred twenty-five feet (125FT) of the Property, light standards shall not exceed fourteen feet (14FT) in total height. Within the remainder of the Property, light standards shall not exceed a total height of twenty-five feet (25FT). All light standards, including building mounted, shall comply with Chapter 65 of the Tulsa Zoning Code.

G. Boundary Landscaping and Screening Plan:

- a. An eight foot (8FT) high pre-cast stone-patterned concrete screening wall will be erected and maintained within and along the west boundary beginning at a point 10.5 FT north of the southwest corner of the Property and extending approximately one hundred seventeen feet (117 FT) to the northwest corner of the Property and then east along the north boundary approximately one hundred eight feet (108FT) adjacent to the RS-3 zoned property to the boundary of the CS zoned property, as shown on the Conceptual Site Plan attached hereto as Exhibit "A".
- b. Also, a ten foot (10FT) wide landscaped area will be established and maintained along the west boundary and along the north boundary to the boundary of the CS zoned property. Twelve (12) Loblolly Pine trees, a minimum of fourteen feet (14FT) in height will be planted as shown on the Conceptual Site Plan attached hereto as EXHIBIT "A" to provide an additional visual and sound barrier. Bright 'N Tight Cherry Laurels will be planted at intervals between canopies of the larger trees, as shown on the Conceptual site Plan attached hereto as Exhibit "A".
- c. All required landscaping will be provided per the Landscaping Chapter of the Tulsa Zoning Code, with any necessary modifications by alternative compliance plan provisions of the Tulsa Zoning Code.

DETAILED STAFF RECOMMENDATION:

Z-7378 request to zone property to OMH and CS with an optional development plan is consistent with the existing Main Street designation and proposed expansion area of the Main Street land use designation in the Comprehensive Plan and;

OMH and CS zoned property without additional provisions does not provide appropriate land use limitations to integrate with the surrounding residential

properties on the west and north however the design standards and use limitations integrated into the development plan provide those standards and;

The provisions of the optional development plan outlined in Section II above are consistent with the development plan provisions of section 70.040 of the Tulsa Zoning Code therefore;

Staff recommends Approval of Z-7378 to rezone property from RS-3/CS to OMH/ CS with the optional development plan standards as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The zoning request is consistent with the existing Main Street land use designation and the concurrent Comprehensive Plan amendment (CPA-58) to Main Street on the western portion of the site.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood, Main Street

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

The concurrent comprehensive plan revision would remove the Existing Residential Neighborhood designation however the west portion of the site currently is classified as an Existing Residential area and is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

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.”

The concurrent comprehensive plan revision would remove the Area of Stability as currently illustrated on the Land Use Map however; the Area of Stability is defined as an area that includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan:

South Lewis is considered an Urban Arterial with a Multi Modal Corridor. 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 that affect the site.

Small Area Plan: Utica Midtown Corridor Small Area Plan

The Utica Midtown Corridor Small Area Plan and the Tulsa Comprehensive Plan are in alignment.

Amending the Land use designation through the Planning Commission and City Council public hearing and notification respects the efforts of the Small Area Plan process.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

See following street view image from the southeast corner of the site looking northwest:



Staff Summary: The existing building screening lighting, signage and landscape standards were defined in the PUD previously approved at this site. The proposed building and site design standards will be carried through with the optional development plan.

Environmental Considerations: None that affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 13 th Place South	None	50 feet	2 lanes west bound only
South Lewis Avenue	Urban Arterial	70 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	RS-3 (west) CS (east)	Main Street (east) and Existing Neighborhood (west)	Growth (east) and Stability (west)	Single Family Residential (west) Office (east)
East	IL	Main Street	Growth	Industrial and Office
South	Broken Arrow Expressway with RS-3 zoning but CH and OM south of the expressway	None but Town Center south of the expressway	Growth	Commercial and office south of expressway
West	RS-3	Existing Neighborhood	Stability	Single Family Residential

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 20253 dated December 7, 2001 (RS-3), and 11815 dated June 26, 1970 (CS), established zoning for the subject property.

Subject Property:

PUD-762 November 2008: All concurred in **approval** of a proposed *Planned Unit Development* on a .78± acre tract of land for a bank with drive thru service, on property located on the northwest corner of South Lewis Avenue & East 13th Place and also known as a part of the subject property.

Z-6842 December 2001: All concurred in **approval** of a request for *rezoning* a .781± acre tract of land from OM to RS-3 for single-family residential use on property located on the northeast corner of East 13th Street and South Terrace Drive and a part of the subject property.

BOA-13873 January 1986: The Board of Adjustment **approved** a *special exception* to allow a single-family dwelling and an accessory garage in an OM-zoned district, on the easternmost lot of the subject tract. The Board approved the use, finding that the area was predominantly single-family dwellings.

Surrounding Property:

BOA-18844 September 12, 2000: The Board of Adjustment **approved** a *special exception* to permit a single-family dwelling in an OM district, on property located at 1309 S. Terrace Dr.

BOA-13625 June 27, 1985: The Board of Adjustment **approved** a *Use Variance* to allow for an office in an RS-3 district; per plot plan; finding an unnecessary hardship imposed on the applicant by the multiple zoning in the area; subject to a 6' screening fence being constructed on the west boundary of the lot in question, on property located at 2322 E. 13th St. and abutting north of subject property.

BOA-581 January 8, 1929: The Board of Adjustment **approved** a *variance* to permit 2-family dwelling, with conditions that the building on the rear of the lot is used as a garage or servants quarters and not as a rental property on property located on Lot 4, Block 10, Terrace Drive Addn. and abutting north of subject property.

TMAPC COMMENTS:

Mr. Covey asked staff how injurious this project was going to be to the neighborhood and asked if an argument could be made that this island would be commercial somewhere down the road.

Mr. Wilkerson answered the orientation of the houses is very important. If the existing homes were oriented to the south facing the Broken Arrow Expressway the argument could be made for this to be Main Street Corridor.

Mr. Dix stated the street configuration on Terrace Drive is interesting and asked staff if they knew what that configuration was used in the past.

Staff stated “no”.

Mr. Dix stated he could envision the rest of this block going commercial or some other use besides residential because that is what happened on the south side of the Broken Arrow Expressway.

Mr. Wilkerson stated that the neighbors have been very active in the long term planning for this area.

Applicant’s Comments:

Mr. Lou Reynolds 2727 East 21st Street, Tulsa, OK

Mr. Reynolds stated he represents the applicant Encentus Federal Credit Union. Mr. Reynolds stated the neighbors are very supportive of the Credit Union in the neighborhood. One of the neighbors, Ms. Barnes, who came to meeting Mr. Reynolds had with the neighborhood had one concern about cars driving down 13th place the wrong way as this is a one-way street west bound. Mr. Reynolds stated he is going to work with traffic engineering on the west access point of this project. It could be a small island in the curb cut to force cars to the right to go west.

INTERESTED PARTIES COMMENTS:

Walter Tempinski 2409 East Skelly Drive, Tulsa, OK 74109

Mr. Tempinski stated he is the architect and was available for questions.

Maria Barnes PO Box 4380, Tulsa, OK 74159

Ms. Barnes stated she has an empty lot that backs up to the project and she supports the Credit Union it has been a good neighbor. The question she has is this the correct zoning for this property. Down the road Ms. Barnes doesn’t want something else on this lot. Ms. Barnes wants to protect the neighborhood.

Mr. Reynolds stated the zoning designation was discussed with staff and OMH was the least intensive designation that would support the drive thru portion of the Credit Union. This will be greatly governed down by the optional development plan

TMAPC Action; 10 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **10-0-0** (Adams, Carnes, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds, “absent”) to **APPROVE** PUD-762-A and Z-7378 per staff recommendation.

Legal Description of Z-7378:

LOT 1 BLOCK 1; E 10 LT 9 ALL LT 10 BLK 10, TERRACE DRIVE ADDN
RESUB B6 & L1-3 B4, ST. JOHN TULSA FEDERAL CREDIT UNION RSB PRT
TERRACE DR ADD, City of Tulsa, Tulsa County, State of Oklahoma

Items 12 and 13 were heard together

12. PUD-845 Wallace Engineering/Jim Beach (County) Location: North of the northwest corner of South Peoria Avenue and East 141st Street requesting rezoning from **AG** to **CS/ PUD-845** to permit the construction of a mini-storage facility (Related to CZ-448) (Continued from February 15, 2017)

STAFF RECOMMENDATION:

SECTION I: PUD-845

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property to permit the construction of a mini-storage facility. The project consists of a mini-storage development with 12 storage buildings approximately 20' x 225'. The east faces of the storage buildings nearest Peoria Avenue will have masonry veneer. There will be an accessory office building approximately 1,500 SF with full masonry exterior. It may include an on-site manager's apartment.

SECTION II: PUD-845 DEVELOPMENT STANDARDS

PUD 845 shall conform to the provision of Section 1130 of the Tulsa County Zoning Code.

Land Area (Gross): 6.20 Acres
270,000 SF

Land Area (Net): 5.99 Acres
261,000 SF

Permitted Uses: All principal and accessory uses as allowed by right in the CS zoned district, except Use Units 10, 12, 13, 14, and 19 are prohibited.

Special exception uses are prohibited except that Use Unit 16 (Mini Storage) is allowed.

Maximum Building Floor Area Ratio: .50

Proposed Floor Area: 55,500 SF (12 x 4,500 plus 1,500) (.21 FAR)

Maximum Building Height:	NA
Off-Street Parking: office)	13 (1 per 5,000 SF mini-storage plus 2 for
Minimum Building Setbacks:	15' along north, south, and west property lines 110' from centerline of South Peoria Avenue (Primary Arterial according to the MSHP).

The street yard shall be considered the area between the planned right of way line and the building setback line parallel to Peoria.

Landscape Area:	22% (1,647 SF) of the street yard will remain open for landscape area; approximately 3,559 SF of additional open space will be located behind the building line and the beginning of the paved area serving the storage units
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Signs:	A complete sign plan has not been prepared but it is anticipated there will be one ground sign located toward the northeast corner of the property and wall signs placed on the office/apartment building. In any case, the aggregate display surface area of all signs will be far less than what is allowed by the Tulsa County Zoning Code.
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Hours of Operation:	Business hours will be limited to between the hours of 6:00 a.m. and 9:00 p.m.
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Lighting:	All site lighting will be mounted to the face of the buildings and will face downward and away from property lines. There will be no light spill beyond the property lines.
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VEHICULAR ACCESS AND CIRCULATION: Access to the site would be via South Peoria Avenue.

PEDESTRIAN ACCESS: Pedestrian access is not shown. Sidewalks do not exist along South Peoria Avenue in the area of the subject lot.

PLATTING REQUIREMENT: No building permit shall be issued until a plat containing restrictive covenants memorializing the above development standards is prepared and filed in accordance with Tulsa County Subdivision Regulations.

EXPECTED SCHEDULE OF DEVELOPMENT: Development will begin in the summer of 2017 after final approval of the Planned Unit Development and the platting of the property.

DETAILED STAFF RECOMMENDATION:

The subject lot is located within the City of Glenpool fence line. The Glenpool Comprehensive Plan identifies this area as a Low Intensity Residential use. The proposed mini-storage use is not consistent with this land use and intensity.

PUD-845 as submitted does not provide adequate design standards for building location, storage unit door orientation, landscape and screening details, or sign standards to insure a compatible land use with the abutting single family residential area and,

PUD-845 does not provide adequate detail or design standards to insure design standards with the City of Glenpool on the west side of Peoria or the City of Jenks on the east side of Peoria.

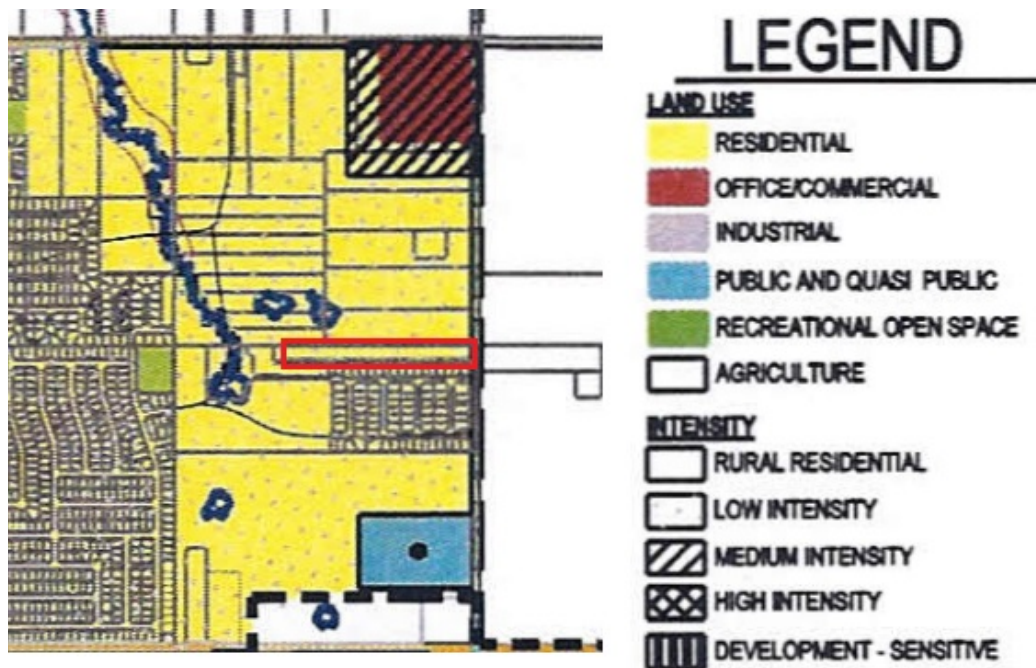
PUD-845 is not consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Denial of PUD-845 as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the Residential District of The City of Glenpool Comprehensive Plan. (See Illustration Below)



Land Use Vision:

Land Use Plan map designation: Residential (Low Intensity)

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S. Peoria Ave. is a Primary Arterial

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 contains what appears to be older oil/gas equipment. Single-family housing exists along the entire southern boundary of the proposed development.

Environmental Considerations: Existing oil storage tanks which will need to be removed. The applicant has scheduled a Phase I Environmental Assessment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Primary Arterial	120 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	AG	N/A	N/A	Vacant
East	IM/AG	N/A	N/A	Single-Family/Energy Facility
South	RS3/RS-4	N/A	N/A	Single-Family
West	RS-4	N/A	N/A	Single-Family

SECTION III: Relevant Zoning History

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

Subject Property:

No relevant history.

Surrounding Property:

No relevant history.

13. CZ-448 Jim Beach (County) Location: North of the northwest corner of South Peoria Avenue and East 141st Street requesting rezoning from **AG** to **CS** (Continued from December 21st, 2016, February 1, 2017 and February 15, 2017)

STAFF RECOMMENDATION:

SECTION I: CZ-448

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property to permit the construction of a mini-storage facility. The project consists of a mini-storage development with 12 storage buildings approximately 20' x 225'. The east faces of the storage buildings nearest Peoria Avenue will have masonry veneer. There will be an accessory office building approximately 1,500 SF with full masonry exterior. It may include an on-site manager's apartment.

DETAILED STAFF RECOMMENDATION:

CZ-448 is not consistent with the land use vision in the City of Glenpool Comprehensive Plan and,

CS zoning is not compatible with the existing adjacent single family residential use adjacent to the south property line and,

CS zoning is not consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Denial of CZ-448 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the Residential District of The City of Glenpool Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Residential (Low Intensity)

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S. Peoria Ave. is a Primary Arterial

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 contains what appears to be older oil/gas equipment. Single-family housing exists along the entire southern boundary of the proposed development.

Environmental Considerations: Existing oil storage tanks which will need to be removed. The applicant has scheduled a Phase I Environmental Assessment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Primary Arterial	120 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	AG	N/A	N/A	Vacant
East	IM/AG	N/A	N/A	Single-Family/Energy Facility
South	RS3/RS-4	N/A	N/A	Single-Family
West	RS-4	N/A	N/A	Single-Family

SECTION III: Relevant Zoning History

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

Subject Property:

No relevant history.

Surrounding Property:

No relevant history.

Applicant's Comments:

Jim Beach 200 West Matthew Brady, Tulsa, OK 74103

Mr. Dix asked Mr. Beach if the residents adjacent to the property get to look at a building wall as their back yard instead of a fence.

Mr. Beach stated "yes" that is correct. The backs of the buildings will provide the screening for those residents and the backs will have brick veneer so it will be as if they have a brick wall as their rear fence.

Mr. Dix stated that would be a long brick wall.

Mr. Beach stated "yes" it would be.

Mr. Dix stated as a resident he was trying to decide if he would rather look at a privacy fence or a 300 foot brick wall.

Mr. Beach stated he didn't know what they would prefer but the privacy fence would be about 8 feet high or maybe only 6 feet high and the building would be higher than that and provide better screening and noise reduction.

Mr. Dix stated there is a lot less maintenance on a brick wall versus a privacy fence.

Mr. Beach stated "true".

INTERESTED PARTIES COMMENTS:

Debra Cutsor 13607 South Owasso Place, Glenpool, OK 74033

Ms Cutsor stated she is on the Glen Abby Homeowners Association Board of Directors. Ms. Cutsor is also a Glenpool Planning Commissioner and sits on the Glenpool Comprehensive Plan Review Committee. Ms. Cutsor stated there were other homeowners here to speak about this project at the last meeting and because of work they were unable to attend this meeting. Ms. Cutsor stated based on the Glenpool Comprehensive Plan when homeowners purchased a home in the Glen Abby development they thought they were purchasing a home in a residential developing area. Ms. Cutsor stated when the notice was received the Homeowners Association received a lot of questions and concerns about this development. Ms. Cutsor stated the Glenpool City Code requires a landscape

buffer and this development does not have one. Homeowners are concerned about property values. They are also concerned about RV parking in the back area of the development. Ms. Cutsor stated there are 4 storage facilities within 3 miles of this development. Ms. Cutsor stated the letter from Mr. Malone (Glenpool City Planner) gave a soft approval because the City Manager wanted it. The City Manager thought this mini-storage would be similar to one that was at Elwood and 151st that has a 30 foot barrier between homeowners and development.

Mr. Covey asked Ms. Cutsor where is the City of Glenpool line.

Ms. Cutsor stated Glen Abby is annexed into the City of Glenpool. Ms. Cutsor stated she is aware that the development is governed by Tulsa Zoning Code but The City of Glenpool is going to annex the area were this development is proposed.

Mr. Covey asked if Ms. Cutsor knew when the City of Glenpool was going to annex the property.

Ms. Cutsor stated "no". But the main problem is that it's not consistent with the Glenpool Comprehensive Plan.

Mr. Beach stated the development will be fully fenced and secure with controlled access and no open air access. Mr. Beach stated the intent is for there to be a 15 foot buffer between the south property line and the back of building and in that strip the applicant would plant trees to help break up that brick wall.

Mr. Dix stated there will be a fence next to the properties and then the brick wall with trees between the fence and the wall.

Mr. Beach stated "yes".

Mr. Covey asked staff if the Tulsa Comprehensive Plan dealt with this property.

Staff stated "no".

Dr. Dix stated the property owners bought their house with the expectation that there not be storage or a brick wall against their backyard and Mr. Dix would have recommend denial based on this. Mr. Dix further stated if this was empty lots and someone bought an empty lot with the expectation of building a house and the brick wall was already there then Mr. Dix would have recommended approval because the buyers have a choice.

Mr. Fretz stated he would not support this application because the Comprehensive Plan did not support it.

Mr. Covey stated he agreed with Mr. Fretz and the Comprehensive Plan bothers him. The City of Glenpool planner gave an approval based on what a City Manager said and obviously there is no one here from the City of Glenpool. Mr. Covey stated he has a problem with the City of Glenpool putting out a Comprehensive Plan on property that isn't in their city limits but they have done it and now people are buying property and homes based on this Comprehensive Plan. Mr. Covey stated we have heard the Comprehensive Plan would be going under review but we don't know how or when it's going to change.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Adams, Carnes, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **DENY** PUD-845 and CZ-448.

Legal Description of CZ-448:

A TRACT OF LAND SITUATED IN THE SE/4 SECTION 12-T17N-R12E, INDIAN MERIDIAN, COUNTY OF TULSA, STATE OF OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT, SAID POINT BEING THE NE/C OF SAID SE/4 SECTION 12, SAID POINT BEING NORTH A DISTANCE OF 2642.92' FROM THE SE/C OF SAID SECTION 12; THENCE N 89° 50' 23" W A DISTANCE OF 1740'; THENCE SOUTH A DISTANCE OF 150'; THENCE S 89° 50' 23" E A DISTANCE OF 1740'; THENCE NORTH A DISTANCE OF 150' TO THE PRINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 5.992 ACRES, MORE OR LESS.

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14.Z-7376 Steven Schuller (CD 4) Location: South of southwest corner of S. Gary Ave. and E. 15th St. (aka 1508 S. Gary Ave. E.) requesting rezoning from **CH** to **RS-3** (Continued from February 15, 2017)

SECTION I: Z-7376

DEVELOPMENT CONCEPT:

The applicant has requested a rezoning request from CH to RS-3 to assist in obtaining financing for a detached dwelling unit that has recently been remodeled. County records indicate the home was originally constructed in 1930. The applicant has stated that the CH zoned property is restricting his ability to finance and sell the home.

DETAILED STAFF RECOMMENDATION:

Z-7376 requesting rezoning from CH to RS-3 is not consistent with the Main Street Designation of the Comprehensive Plan and;

This rezoning request could potentially affect the adjacent CH properties if those lots are redeveloped. CH to RS-3 establishes new design standards for surface parking and screening requirements for certain uses on the adjacent north and west properties and;

RS-3 zoning is consistent with the detached dwelling use of the property that was established when the home was constructed in 1930 and;

RS-3 zoning is consistent with the anticipated development pattern in the area therefore;

Staff recommends Approval of Z-7376 to rezone property from CH to RS-3.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing home and detached garage is currently considered a non conforming use as defined in Chapter 80 of the Tulsa Zoning Code. RS-3 zoning is not consistent with the land use vision of the Comprehensive Plan. Staff does not support reducing the Main Street Corridor land use designation at this location but does support the rezoning request as a consideration of the established residential use. Several single family homes are located in CH zoned property within this particular Main Street corridor. There is no evidence of any other single family home that has requested rezoning from CH to RS-3 along 15th between Harvard and the Broken Arrow Expressway. A special exception process through the Board of Adjustment has been used in a similar circumstances north of Z-7376.

Staff has encouraged the applicant to consider the special exception provisions at the Board of Adjustment. That process would not change the zoning and therefore would not have an effect on adjacent CH properties. The applicant believes that the special exception process does not satisfy the needs of his lending institution. The established use of this property has been single family residential and there is no indication that the property will be used commercially. Rezoning this property to RS-3 should not be considered an attempt by anyone to establish a pattern that might encourage reduction in the CH zoning or to encourage further reduction of the Main Street corridor along East 15th street.

Staff supports this rezoning request for the sole purpose of benefiting the single family residential redevelopment on this lot and with the

consideration that the home has been established on the lot for over 80 years.

Land Use Vision:

Land Use Plan map designation: Main Street

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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 this zoning consideration.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: County records indicate that the existing single family home was constructed in 1930 and is on a lot that has been zoned CH for decades. The home has recently been renovated for a single family residence with a detached garage. The garage is facing north with an access easement across private property to East 15th Street.

See next page for street view snippet from southeast corner of lot looking northwest toward East 15th Street:



Environmental Considerations: None that would affect the rezoning request.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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South Gary Avenue	None	50 feet	2
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH	Main Street	Growth	Mixed Commercial
South	RS-3	Existing Neighborhood	Stability	Single Family Residential
East	CH	Main Street	Growth	Retail Bakery
West	CH	Main Street	Growth	Off street parking

SECTION III: Relevant Zoning History

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

Subject Property:

No relevant history.

Surrounding Property:

BOA-19656 August 26, 2003: The Board of Adjustment **approved** a *Special Exception* to allow a single-family dwelling in a CH district, on the condition: if this house was ever expanded or removed, a new house would have to meet the setback requirements in an RS-3 district; and, if and when the detached garage is built that it be set no closer to the north line than 3 ft. and at least 5 ft. from the west line, on property located at 1444 S. Gary Ave. and north of subject property.

BOA-5924 July 2, 1968: The Board of Adjustment **approved** a *Special Exception* to permit the manufacture of cookie dough in a U-3E (CH) district, on property located at 3132-A E. 15th St. and abutting west of subject property.

BOA-3985 January 9, 1963: The Board of Adjustment **approved** to permit an extension of a non-conforming use, paint and body shop, in a U-3E (CH) district, on property located on Lot 14, Block 10, East Lawn Addn., also known as, north of at the northeast corner of E. 15th St. and S. Florence Pl.

BOA-387 February 21, 1928: The Board of Adjustment **approved** a *Special Exception* to permit a duplex on Lot 13, Block 10, East Lawn Addn., on property located at the northeast corner of E. 15th St. and S. Florence Pl.

Applicant's Comments:

Stephen Schuller 100 W 5th Street STE 1100, Tulsa, OK 74103

Mr. Schuller stated he represents the owners of the property. Mr. Schuller stated he contacted the adjacent building owners after the last TMAPC meeting and after contacting the owners to the west of property. Mr. Schuller stated after explaining the implications of the rezoning to these owners he sent them a letter to sign saying they understand the implications. The owners stated to Mr. Schuller they didn't want to sign a letter but had no objections. Mr. Schuller stated the property owner to the north of this property, Brian Anthamatten, sold the applicant the current property and owns a commercial property on the corner. Mr. Schuller stated he explained the rezoning implications and asked him to sign a letter stating the same thing as explained. Mr. Schuller stated the next day Mr. Anthamatten's attorney in Kingfisher, OK called Mr. Schuller and Mr. Schuller explained the implications to him. The attorney stated to Mr. Schuller that Mr. Anthamatten was opposed to the rezoning because of the affect it would have on Mr. Anthamatten's property for setback's and screening if the property was ever demolished. Mr. Schuller stated the attorney said if Mr. Schuller could get the Board of Adjustment relief by way of exception or variance, whatever is required, for Mr. Anthamatten's commercial property, Mr. Anthamatten would then consent to the residential zoning for this property. Mr. Schuller would like to request a continuance to make a Board of Adjustment application to get the relief for Mr. Anthamatten's property before continuing this application.

Mr. Dix asked Mr. Schuller if he thought the owners to the west would allow him to apply for Board of Adjustment relief on their behalf also.

Mr. Schuller answered he didn't think they would have a problem with him doing this and would contact him to discuss.

Ms VanValkenburgh stated the Board of Adjustment wouldn't have any jurisdiction to grant this variance until the rezoning was done.

Mr. Dix asked Ms. VanValkenburgh if the Planning Commission needed to approve the rezoning contingent on the variance.

Ms VanValkenburgh stated "no" Planning Commission would approve the zoning and assume that this was going to happen at the Board of Adjustment. Ms. VanValkenburgh stated it sounds like there would not be any objections from the owners of the adjacent properties.

Mr. Schuller stated he did not agree with Ms. VanValkenburgh that the Board of Adjustment would not have jurisdiction. Mr. Schuller stated he had researched the Zoning Code and the State Statutes and is satisfied the Board of Adjustment would be able to address this issue.

Ms. VanValkenburgh stated she would be happy to listen to Mr. Schuller's arguments after the meeting.

Ms. Millikin asked Mr. Schuller if he was asking for a six week continuation to get that exception from the Board of Adjustment.

Mr. Schuller answered he would have to look at a Board of Adjustment calendar.

Ms. Miller stated the Board of Adjustment staff would not process an application for variance or special exception that the zoning was not in place first. Ms. Miller stated but the calendar cutoff date for Board of Adjustment is March 9, 2017 for the April 19, 2017 meeting.

Mr. Covey asked Ms. VanValkenburgh if there was any chance the Board of Adjustment would not decide on the meeting day.

Ms. VanValkenburgh answered she wasn't sure if it could be heard that day, but sometimes there are continuances if someone shows up to object.

Mr. Covey asked if it would make more sense to continue or withdraw and reapply and waive the fee for the reapply.

Mr. Schuller stated asked if this could be continued to April 19, 2017 to make an application with the Board of Adjustment and go through the process and if needed Mr. Schuller would ask for another continuance with the Planning Commission or if it cannot be heard at the Board of Adjustment Mr. Schuller stated the application could be withdrawn.

INTERESTED PARTIES COMMENTS:

James Anthamatten 6830 East 59th Street, Tulsa, OK 74145

Mr. Anthamatten stated he owned the commercial property to the north and owned the subject property and sold it as a commercial property. Mr. Anthamatten stated he was here to protect his property in the future if the zoning gets changed. Mr. Anthamatten stated his attorney has been in touch with Mr. Schuller and was waiting on a phone call from him. Mr. Anthamatten stated if his property was protected he is willing to work with Mr. Schuller on the subject property.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Adams, Carnes, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds, “absent”) to **CONTINUE** Z-7376 to April 19, 2017 per request of applicant.

Legal Description of Z-7376:

LT 2 BLK 3, EXPOSITION HGTS ADDN, an addition to the City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

15. Z-7371 Miguel Gomora (CD 3) Location: North and west of the northwest corner of East 11th Street South and South Garnett Road requesting rezoning from **RS-3** to **CG**. (Continued from December 21, 2016 and February 15, 2017) **Applicant has withdrawn this application**

* * * * *

Adams out at 2:49 p.m.
Doctor out at 2:51 p.m.

16. CZ-450 JR Donelson (County) Location: Northwest corner of West 161st Street South and Highway 75 requesting rezoning from **AG** to **IL** (Continued from February 1, 2017)

STAFF RECOMMENDATION:

SECTION I: CZ-450

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property from AG to IL in order to permit the marketing of the site for potential manufacturing, storage or sales uses. Screening would be required between industrial uses and adjacent residential zoned properties.

DETAILED STAFF RECOMMENDATION:

CZ-450 is non injurious to the existing proximate properties and;

IL zoning is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-450 to rezone property from AG to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the US 75 Corridor District of The City of Glenpool Comprehensive Plan. The City Planner for Glenpool has stated that light industrial has been indicated for the site as part of the comprehensive plan.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W. 161st St. S. is a Secondary Arterial

Trail System Master Plan Considerations: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently forested vacant land.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 161 st Street	Secondary Arterial	100 feet	2

Utilities:

The subject tract has water available. Sewer is anticipate to be handled by an aerobic or septic system.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	N/A	N/A	Industrial
South	RS-3/CG	N/A	N/A	Vacant
East	CG	N/A	N/A	RV Sales/Hwy 75
West	RE/PUD-755	N/A	N/A	Vacant

SECTION III: Relevant Zoning History

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

Subject Property:

No relevant history.

Surrounding Property:

PUD-755 June 2008: All concurred in **approval** of a proposed *Planned Unit Development* on a 7.86± acre tract of land for single-family development, on property located west of northwest corner of West 161st Street South and Highway 75 South and abutting west of subject property.

CZ-389 November 2007: All concurred in **approval** of a request for *rezoning* a 33± acre tract of land from AG to RE for future single family subdivision on property located west of northwest corner of West 161st Street South and Highway 75 South and abutting west of subject property.

CZ-388 December 2007: Application was filed for land at the northeast corner of West 158th Street South and South 33rd West Avenue to request to *rezone* from AG to IL for a trucking company. It was continued multiple times until the application was **withdrawn** on December 5, 2007.

CZ-259/PUD-620 February 2000: All concurred in **approval** of a request for *rezoning* a 240± acre tract of land from AG to RE/RS/CS/IL for mixed use development on property located on the southeast corner of West 151st Street South and South 33rd West Avenue and north and west of the subject property.

CZ-42 March 1982: All concurred in **approval** of a request for *rezoning* an 18± acre tract of land from AG to IM for industrial use, on property located and abutting north of subject property. This property has since been annexed into the City of Glenpool.

Applicant's Comments:

JR Donelson 12820 South Memorial Drive, Bixby, OK 74008

JR Donelson stated he represents the owner of the subject property and they wish to rezone this property to market to a manufacturing or storage use on that site. Mr. Donelson stated the property will not be mixed use so a PUD is not needed. Mr. Donelson stated prior to this application he spoke with the planning staff at INCOG and City of Glenpool. Mr. Donelson states the rezoning meets the Glenpool Comprehensive Plan. Mr. Donelson states he spoke with the representative of property owner to the west who has the PUD-755 and wanted the applicants to place development standards on the zoning application but when Mr. Donelson looked at their request he went to the Tulsa County Zoning Code sections 9 and 10. When Mr. Donelson looked at what the neighbor wanted the applicant to do and what the Zoning Code stated, they were asking for basically the same as in the Zoning Code. Mr. Donelson stated the development standards the neighbor wanted fit the permitted uses that are shown in the Zoning Code currently. Mr. Donelson stated other things the neighbor was asking in regards to setbacks were already addressed in the bulk and area requirements. Mr. Donelson stated the applicant isn't asking for anything different than what is in the Zoning Code. Mr. Donelson stated the applicant knows the property would need to be platted before a building permit could be issued. Mr. Donelson stated there were a number of issues that the neighbor wants as restrictions that would be addressed at the platting stage.

Mr. Covey asked Mr. Donelson to point out the existing businesses on the map. Mr. Covey asked if the Glenpool Comprehensive Plan covered this area.

Mr. Donelson stated "yes", the Comprehensive Plan shows this area as the U.S. 75 Corridor District. Mr. Donelson stated the planning staff at Glenpool recommended Mr. Donelson apply for IL zoning.

Shane Roller 15831 South Lewis Avenue, Bixby, OK 74008

Mr. Roller stated he didn't wish to speak.

Michael Roller 9067 East 118th Place South, Bixby, OK 74008

Mr. Roller stated he owned the subject property and was available for questions. Mr. Roller stated there were no plans for the property except to rezone the property and put it on the market.

INTERESTED PARTIES COMMENTS:

Kevin Coutant 2 West 2nd Street STE 700, Tulsa, OK 74103

Mr. Coutant stated he represents Brian Jones who owns the property adjacent to the subject property and designated as PUD-755 on the map. Mr. Coutant stated his clients property approximately 9 acres was approved for a PUD in 2008 and the underlying zoning is RE zoning. Mr. Coutant stated his client does not object to the proposed IL zoning. Mr. Coutant stated his client believes there should be

a transition between PUD and IL zoning. Mr. Coutant stated there is a hierarchy of zoning intensities that are represented by zoning classifications and a general understanding that you don't jump too many steps for compatibility of use. Mr. Coutant stated his client is RE zoning which has the largest lots available and over the last few weeks Mr. Coutant has tried to engage in a conversation with the applicant about those transition issues. Mr. Coutant stated he gave the applicant a set of development standards that didn't limit the uses at all. The issues are dealt with in PUD's all the time such as lighting, noise and increasing the setbacks. The Zoning Code requires a 75 foot setback from adjacent residents and Mr. Coutant has suggested a 100 foot setback. Mr. Coutant stated his client is not objecting to the use but feels there needs to be some buffering. Mr. Coutant stated the response from Glenpool planners that Mr. Coutant has a copy of states that the Comprehensive Plan calls for light industrial zoning but cautions the applicant about screening and landscaping requirements on the property zoned RE to the west of the subject tract. Mr. Coutant stated his client has no choice in this conversation but to oppose the application. Mr. Coutant stated what should happen is the applicant and his client should talk and come back with a PUD that is appropriate not only his client but by the Comprehensive Plan, that includes buffering and transition.

Mr. Covey asked if Mr. Coutant has spoken with the applicant about the PUD.

Mr. Coutant stated "yes" it was just development standards that would be helpful to the neighbor.

Mr. Covey asked what the applicant's response was.

Mr. Coutant stated "no thank you".

Mr. Covey asked if Mr. Coutant if he offered to pay for the PUD.

Mr. Coutant stated "he did not".

Mr. Donelson stated he understands the neighbors concerns about landscaping and buffering but these things will be addressed in the platting process simply because this is IL zoning adjacent to residential zoned property. Mr. Donelson believes this property rezoned as IL will have a positive effect of South Tulsa County and will be the best use of the property. Mr. Donelson stated the piece of property that is zoned RE and is listed as PUD-755 falls within what is listed as U.S. 75 Corridor District in the Glenpool Comprehensive Plan. Mr. Donelson further states the buffer is in fact the neighbor's property not the applicants as you can see from the planning map. So adjacent to highway 75 everything falls in place the piece of property to the applicants west is the buffer property.

Mr. Covey asked Mr. Donelson if the applicant was opposed to a PUD.

Mr. Donelson stated 'yes'.

Mr. Walker asked Ms. VanValkenburgh who is compelled to buffer.

Ms. VanValkenburgh stated she believes it's a planning concept.

Ms. Miller stated there are buffer standards between IL and adjacent residential. Ms. Miller states the zoning is what really requires the buffering. If Industrial is against residential then its industrial's responsibility.

Ms. Millikin asked Ms. Miller as this property is developed will a site plan be looked at for buffering.

Ms. Miller answered if it's not a PUD and they get their building permit the user will be subject to the minimum landscaping and screening requirements for IL when it abuts a residential district. Ms. Miller asked the applicant and neighbor if the PUD was in Glenpool or unincorporated Tulsa County.

Mr. Donelson replied the applicant's property is in unincorporated Tulsa County.

Ms. Miller stated the PUD-755 is in unincorporated Tulsa County.

Ms. VanValkenburgh asked Mr. Hoyt if the screening would be governed by the use.

Mr. Hoyt answered that is correct but all the uses he researched for this property all require it.

TMAPC Action; 8 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to **APPROVE** CZ-450 per staff recommendation.

Legal Description of CZ-450:

The East 10 acres of the South Half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section Twenty-two (22), Township Seventeen (17) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof lying West of the West right of way of Highway #75 as appropriated to the Department of Highways of the State of Oklahoma by report of commissioners, No. 93017, as filed at book 2787, page 264, office of county clerk, Tulsa County, Oklahoma (the "Property").

* * * * *

17.CZ-451 Premier Steel Service INC. (County) Location: South of the southwest corner of South Highway 75 and West 161st Street South requesting rezoning from **AG** to **IH**

STAFF RECOMMENDATION:

SECTION I: CZ-451

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property from AG to IH to permit a facility for manufacturing and fabricating of heavy steel structural components.

DETAILED STAFF RECOMMENDATION:

CZ-451 is injurious to the existing proximate properties and;

The Glenpool comprehensive plan identifies this site as a potential area for clean industrial growth. The proposed IH zoning allows objectionable use that are not consistent with that vision and may be injurious to adjacent residential development that has been previously approved immediately west of the site and;

IH zoning is not consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Denial of CZ-451 to rezone property from AG to IH.

The proposed use would be allowed in the IM district within Tulsa County, thereby reducing the potential impacts of industrial zoning on the site. Richard Malone, City Planner at the City of Glenpool has stated that the City of Glenpool could support IM zoning on this site. Terry West, County Inspector with Tulsa County has confirmed that IM zoning would be the minimum zoning required for the proposed use.

Staff recommends Approval of CZ-451 to rezone property from AG to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the US 75 Corridor District of The City of Glenpool Comprehensive Plan. The Glenpool Comprehensive plan provides some objectives and policies that help guide anticipated industrial development along that corridor. The only way to insure the

objectives and policies can be enforced is through a Planned Unit Development that implements the objectives of the comprehensive plan.

Industrial objectives as defined in the Glenpool Comprehensive Plan

REFER TO GLENPOOL COMPREHENSIVE PLAN OBJECTIVES AND POLICIES BELOW:

Industrial Area Objectives:

1. Preserve and protect those sites exhibiting desirable characteristics for industrial development from encroachment by incompatible uses.
2. Make certain that any industry having an adverse impact on the environment locating in the Glenpool area take those actions necessary to bring that industry into conformance with local, state, and federal environmental standards, prior to locating in Glenpool.
3. Encourage public and privately planned and developed industrial parks that cluster industrial sites in the Glenpool area.
4. Encourage the City of Glenpool to make effective use of the Industrial Trust Authority- to encourage the identification of potential industrial sites and to develop planned industrial parks, taking advantage of such financing methods as revenue bonds and state and federal economic development grants in order to attract industry to the Glenpool area.

Industrial Area Policies:

1. Industrial sites and facilities shall be designed, developed and constructed so as to maximize open space between less intensive adjacent uses and to provide visual screening, particularly through the use of natural features and foliage whenever feasible and appropriate.
2. Industrial traffic shall utilize land areas adjacent to the US-75 from frontage roads and other streets specifically designed for heavy vehicle traffic.
3. Industrial districts adjacent to neighborhoods should be separated from low intensity uses by appropriate Medium or Low Intensity uses and buffers.
4. State and federal grant moneys shall be pursued to provide the necessary public infrastructure to encourage industry to locate in the Glenpool Planning Area.
5. Detailed planning and engineering studies shall be conducted for the development of Special District 2. Industrial PUDs are recommended for the

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northern portion of this District which is located east of US-75 between 131st and 141st Streets and west of Coal Creek, including the City's Wastewater Treatment Facility.

Transportation Vision:

Major Street and Highway Plan: Highway 75 is a Freeway

Trail System Master Plan Considerations: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently forested vacant land.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Highway 75	Freeway	Variable	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	CG/RS-3	N/A	N/A	Vacant
South	AG	N/A	N/A	Vacant/Cell Tower
East	PUD-24/IL	N/A	N/A	Vacant
West	RS-3	N/A	N/A	Vacant/Shale Extraction

SECTION III: Relevant Zoning History

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

Subject Property:

No relevant history.

Surrounding Property:

CZ-450 February 2017: A pending request was **continued to 3/1/17**, for *rezoning* a 10± acre tract of land from AG to IL, to be able to market for manufacturing, storage sales, on property located on the northwest corner of W. 161st St. S. and S. Highway 75, and north of subject property.

INTERESTED PARTIES COMMENTS:

Dave Cocolin 4500 South Garnett Road, Suite 220, Tulsa, OK 74146
Mr. Cocolin stated he owns the 120 acres to the north and west of the subject property and wanted to ask about buffering between his property and the proposed development. Mr. Cocolin stated his property is in the City of Glenpool.

Applicant's Comments:

Albert Kelly 1800 South Boston, Tulsa, OK 74103
Mr. Kelly stated he is a partner of Premier Steel and would agree with the IM designation.

Mr. Dix asked Mr. Kelly if there was a reason for requesting the IH zoning.

Mr. Kelly stated it was a mistake in the recommendation he received.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to **APPROVE CZ-451** per staff recommendation.

Legal Description of CZ-451:

N/2 N/2 SE NE SEC 27 17 12; S/2 N/2 SE NE SEC 27 17 12; N/2 S/2 SE NE SEC 27 17 12, Tulsa County, State of Oklahoma

* * * * *

Items 18 and 19 were heard together

18. Z-7377 Mark Capron (CD 2) Location: South of the southeast corner of South Maybelle Avenue and West 81st Street requesting rezoning from **AG** to **RS-2** (Related to Maybelle Estates Preliminary Plat)

STAFF RECOMMENDATION:

SECTION I: Z-7377

DEVELOPMENT CONCEPT:

Rezoning is required for a single family residential subdivision with vehicular access from all lots to South Maybelle Avenue. The applicant has not proposed any stub streets or right of way dedication to the undeveloped land east of the site.

DETAILED STAFF RECOMMENDATION:

The RS-2 zoning request is consistent with the land use designation of the Tulsa Comprehensive Plan and,

Z-7377 is consistent with the West Highlands Small Area Plan and,

The allowable uses for the RS-2 zoning are non-injurious to the proximate property owners and,

Z-7377 is a residential development anticipating 6 lots that will create an adverse impact on future development opportunities for property east of the site. The proposed subdivision will block the shortest access to Maybelle from the 13 acre site immediately east of the project and force future access through other private property. Neither the preliminary plat nor zoning exhibit provides access to that property. The existing development pattern east of this site has relied on private access agreements on large lots or on lots with very long panhandles to connect to public streets. Staff will continue vehicular access discussions with the applicant during the plat process therefore,

Staff recommends Approval of Z-7377 to rezone property from AG to RS-2.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The Comprehensive Plan recognizes this site as a new neighborhood. RS-2 zoning is a compatible use in the New Neighborhood designation.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

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: Residential Collector

Residential collector streets strengthen neighborhood cohesion, promote alternative transportation, calm traffic and connect recreational destinations. They typically can be applied in two instances: in new residential neighborhoods or as retrofits in existing residential or downtown streets that may be wide, but do not provide sufficient parking, bicycle and pedestrian accommodations or traffic calming measures. These streets place a higher priority on landscape medians, tree lawns, sidewalks, on-street parking, and bicycle lanes than the number of travel lanes.

Residential streets consist of two or four travel lanes but place a much higher priority on pedestrian bicycle friendliness than on auto mobility.

Trail System Master Plan Considerations: None

Small Area Plan: West Highlands Small Area Plan

The small area plan recognizes that this area is included in the Riverside airport traffic pattern zone where high density development is discouraged. Also the small area plan recognizes that homebuilders in the area should be aware of the noise impacts of the airport, and construct homes accordingly.

The west highlands small area plan recognizes this area as a New Neighborhood.

One of the many concepts identified in the small area plan includes large lot development with street and pedestrian connectivity.

One of the goals identified in the small area plan recommends the extension of South Maybelle Avenue from 81st to 91st as private development occurs. South Maybelle exist along the entire frontage of Z-7377 however it currently ends at the south edge of the zoning request.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is a gently sloping site with some structures that will be removed in anticipation of the residential development identified in Maybelle Estates preliminary plat.

Environmental Considerations: None that affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Maybelle Avenue	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available but only after current ongoing single family residential development southwest of the site is complete.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	New Neighborhood	Growth	Single Family home
East	AG	New Neighborhood	Growth	Undeveloped
South	AG	New Neighborhood	Growth	Undeveloped
West	CO with single family residential and RS-3	Existing and New Neighborhood	Stability and Growth	Single Family residential and single family residential subdivision in the construction phase.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

Subject Property:

No relevant history.

Surrounding Property:

Z-7164/ Z-7164-SP-1 March 2011: All concurred in approval of a request for rezoning and a request for a Corridor Development Plan on a 30± acre tract of land for commercial mixed use development, The Walk at Tulsa Hills, on property located on the southeast corner of U.S. Highway 75 and W. 81st St.

Z-7140/ Z-7140-SP-1 December 2009: All concurred in approval of a request for rezoning a 41± acre tract of land from AG to CO and a Corridor Site Plan for residential use, garden and patio homes, on property located south of southwest corner of South Maybelle Avenue and West 81st Street and abutting south of subject property. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81st Street.

19. Maybelle Estates (CD 2) Preliminary Plat, Location: South of the southeast corner of South Maybelle Avenue and West 81st Street (Related to Z-7377)

STAFF RECOMMENDATION:

This plat consists of 6 lots, 1 block on 3.39 acres.

The Technical Advisory Committee (TAC) met on February 16, 2017 and provided the following conditions:

1. **Zoning:** The property is currently zoned AG. The preliminary plat requires approval of rezoning case Z-7377 to change the zoning to RS-2. All lots show meet the bulk and area requirements of the RS-2 zoning district.
2. **Transportation & Traffic:** Staff recommends consideration of a stub street to the east to provide access for future development of land-locked property currently only served by access easements.
3. **Sewer:** Currently, no sanitary sewer service is available for the proposed project. A public main line extension to serve the area from the south is currently in process. If the proposed extension does not occur, sanitary sewer will need to be extended to the project site. Temporary septic systems can be approved subject to the conditions set forth by the Oklahoma Department of Environmental Quality and submittal of a soil percolation test for each lot in the subdivision. Additionally, restrictive covenants must be provided relative to the installation and use of individual septic sewage disposal systems and connection to the public sanitary sewer when available.
4. **Water:** No comment.
5. **Stormwater & Drainage:** Stormwater detention will be required as shown on conceptual improvements plan. A swale is shown within the U/E along the east side of the site. It is not clear that all flows from the proposed lots can be graded. To achieve that end, individual lot easements may be required. Lot 1 Block 1 receives offsite drainage. Extend 15' ODE to cover this lot.
6. **Engineering Graphics:** Submit subdivision control data sheet with final plat. In the location map, remove "High Chaparral". Graphically only show the bearings and distances used in the written legal description. Do not show "field" observations. Provide individual lot addresses and graphically display them on the final plat.
7. **Fire:** No comment.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
9. **Airport:** Avigation notice required to be affixed to the face of the final plat

Waivers of Subdivision Regulations:

1. None Requested

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

Applicant's Comments:

Mark Capron 6111 E 32nd Place Tulsa, OK

Mr. Capron stated he represents applicant. Mr. Capron stated before his company represented the applicant. The applicant paid fees for a pre-development meeting with staff in May. The applicant learned in this meeting they had to do a sidewalk, sanitary sewer and fire hydrants. The applicant then purchased the property and hired Mr. Capron as a consultant. Mr. Capron stated the applicant is opposed to the access point because this is a small project with a little over three acres divided into 6 lots. Mr. Capron stated the applicant just doesn't have the budget, if there is a access with a 50 foot right of way plus setbacks the applicant would lose a lot of land. Mr. Capron stated there are developments going in to the south and east of this project. Mr. Capron stated he looked at this area going back to 1977 and there are several properties that are land locked and Mr. Capron understands staffs concern but an access doesn't take care of the land locked situation. Mr. Capron stated there are mutual access agreements for part of adjacent land. Mr. Capron stated there is a Google designated 84th Street that goes through the land but this is an improved driveway and isn't a City of Tulsa designated road. Mr. Capron stated the owners of this property would not have bought the property if they knew they were going to have 5 lots instead of 6 lots, or they would have negotiated a different price. Mr. Capron stated the applicant will have private restrictions on the type of development. Mr. Capron stated he understands staff concerns about access to the east but having been told at pre development everything can access off Maybelle the applicant did not know he would have to bisect his tract. Mr. Capron stated there is a high pressure gas line that goes through the western side and connects to the south that hinders dedicating right of way on the south side.

INTERESTED PARTIES COMMENTS:

Bob Webber 8410 South Nogales Avenue West, Tulsa, OK 74132

Mr. Webber stated on March 8th, 2017 Mr. Webber is presenting a petition to City Council stating the residents of Hyde Park at Tulsa Hills would like the Council to deny any additional zoning changes and or building permits abutting Maybelle Avenue beyond the now existing building permits until Maybelle Avenue is fully extended to 91st Street South and its fully operational for vehicular traffic. Mr. Webber stated he moved to this area August 2013. Mr. Webber stated all they are asking for is Maybelle to go to 91st street prior to anymore construction in this area of housing that would add to the traffic flow. Mr. Webber stated Life Church is on West 81st Street and when services are over and everyone is leaving it is hard for residents to get to 81st Street. Mr. Webber stated the 81st Street entrance to U.S. 75 isn't going to be improved until at least 2020 or 2022 according to Representative Glen Mulready. Mr. Webber stated if Maybelle was extended to West 91st Street residents could go to 91st Street and go south of Union Avenue hit 101st Street and get on U.S 75 which would alleviate some of the traffic on 81st Street. Mr. Webber stated he realizes that shoppers in the area may come down Maybelle Avenue. Mr. Webber stated 96% of the residents signed this petition.

Mr. Dix asked Mr. Webber if he understood TMAPC had no power to make that recommendation.

Mr. Webber answered he did not realize that.

Mr. Capron stated Mr. Webber's concerns are typical when rural areas are developed. Unfortunately infrastructure doesn't catch up with development especially in single family development which is unfortunate it would be nice if they built the roads and residents came. Mr. Capron stated it is his understanding that Maybelle will be extended to the south just past the school. Mr. Capron stated his client's development is just six lots and he understands the traffic concerns.

Donna Hart 8417 South Maybelle Avenue, Tulsa, OK 74132

Ms. Hart stated she owns the 13 acres to the east of the development. Ms Hart stated she is not land locked and Ms. Hart has siblings living on other acreage between Maybelle and Elwood who are not land locked because they all have access to Elwood Avenue. Ms. Hart stated she came to the meeting to see what was going in and what kind of fence was going up next to her property.

Mr. Capron stated he hasn't driven this road he was looking at tax maps.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Adams, Doctor, Reeds "absent") to **APPROVE** rezoning Z-7377 and the preliminary subdivision plat for Maybelle Estates per staff recommendation.

* * * * *

Mr. Carnes out at 3:45 p.m.

20. QTD/K Addition (CD 3) Preliminary Plat, Location: East of North Garnett Road at East 43rd Street North

STAFF RECOMMENDATION:

This plat consists of 1 lot, 1 block on 49.62 acres.

The Technical Advisory Committee (TAC) met on February 16, 2017 and provided the following conditions:

1. **Zoning:** The property is zoned IM (Industrial – Moderate) and IH (Industrial – Heavy). Following construction of East 43rd Street North, the proposed lot will meet all bulk and area requirements of the City of Tulsa Zoning Code.
2. **Transportation & Traffic:** East 43rd Street North needs to be dedicated by this plat. Sidewalks should be shown 18" from the property line or 2' behind the curb. Access should be 24'-36' and a 25' radius must be provided. Provide dimensions for all right-of-way.

3. **Sewer:** A 17.5' utility easement is required along the north property line and a 15' utility easement is required along the west property line, adjacent to Mingo Valley Industrial Park (Plat #3534). Application indicates that sanitary sewer is to be private. The manhole closest to the right-of-way at the northwest corner of the property must be public and located 15' inside the property within a dedicated easement. Private lines cannot be located within the easement dedicated for public use.
4. **Water:** A 12" public water main line will be required to be extended across the property frontage of East 43rd Street North. Public fire flow meters and fire hydrants must be installed
5. **Floodplain:** Portions of the subject property are located within the Mingo Creek Floodplain. All delineated floodplain boundaries including City of Tulsa Regulatory Floodplain must be clearly and accurately identified on plat with base flood/water surface elevations labeled. Any development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11 A and Title 51 and city drainage standards. Any proposed changes to the floodplain boundaries or flood elevations will be subject to Floodplain Map Revisions.
6. **Engineering Graphics:** Add missing subdivisions in location map and label "Project Location". Provide individual addresses. Submit a subdivision control data sheet with final plat. Engineering Services prefers to see the plat tied to a section corner, half-section corner, etc. Provide the engineer's email address and the surveyor's CA number with the renewal date and email address. Add "City of Tulsa, Tulsa County, State of Oklahoma" to the plat subtitle. Distribution is misspelled in two locations on the location map.
7. **Fire:** Public fire flow meters and fire hydrants must be installed inside the public right-of-way or inside a dedicated utility easement.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.

Waivers of Subdivision Regulations:

1. None Requested

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

Carly Goodnight 4705 South 129th East Avenue Tulsa, OK 74146

Ms Goodnight stated she is in agreement with staff recommendation with the exception of the 17.5' utility easement.

TMAPC Action; 7 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Adams, Carnes, Doctor,

Reeds “absent”) to **APPROVE** the preliminary subdivision plat QTD/K Addition eliminating the 17.5’ utility easement requirement along the north property line.

* * * * *

21. Titan Sports (CD 2) Request authorization for an accelerated release of a building permit, Location: East of the northeast corner of East 81st Street South and South Elwood Avenue

STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The platting requirement on this property was the result of Board of Adjustment action approving the proposed use on the property. A preliminary plat for the project was approved on October 19, 2016. Infrastructure Development Plans (IDP) have been submitted to the City of Tulsa and are currently under review.

The Technical Advisory Committee (TAC) met on February 16, 2017 and provided the following information:

- Earth change permits have been processed and approved by Development Services.
- Water line extension plans have been submitted and are being reviewed as a part of the IDP.
- The subject property is partially located within the Hager-Creek 100 year (1% annual chance) floodplain and entirely within the Arkansas River 500-year floodplain. The project area is shown as being protected from the 1% annual chance flood by two separate levees. The Hager Creek Levee and any associated easements should be clearly and accurately shown on building permit plans with base flood and water surface elevations labeled.
- Given that the proposed access to the facility must cross flood-prone areas, an alternative access outside the floodplain should be provided to ensure safety of access to the property in times of flooding for ordinary and emergency vehicles.

A meeting was held on Tuesday February 21, 2017 with representatives of the City of Tulsa, the Tulsa Airport Authority, and the project consultants. As a part of the project, a private drive will be constructed between the north property line and East 71st Street that will be partially funded by the City of Tulsa and provide service to City of Tulsa facilities located south of East 71st Street. The applicant has made modifications to the proposed site plan to accommodate concerns of the Tulsa Airport Authority and is continuing to work closely with the Tulsa Airport Authority as the project progresses. No objections were raised to the authorization of an accelerated release of a building permit.

Staff recommends **approval** of the accelerated release of a building permit.

Ricky Jones 5323 South Lewis Avenue, Tulsa, OK 74105

Mr. Jones stated he is in a multijurisdictional dilemma. Mr. Jones stated they have had meetings with the City of Tulsa and several meetings with the Airport Authority, they are in the railroad jurisdiction and 23rd and Jackson is working with Mr. Jones to construct a driveway to the property to the north that would go to 71st Street. Mr. Jones stated there are several hardships that have been imposed on this project. Mr. Jones stated when they started this project a year ago it was the intent to have this building up by this time and be playing soccer out on the fields. Mr. Jones stated they have these obstacles and they are overcoming them. Mr. Jones stated he has first submittals comments back on IDP plans the changes are minor, there is an approved preliminary plat a draft final plat is ready to submit and currently the south 20 acres Mr. Jones stated they do not own this land it is leased. Mr. Jones said everything is worked out to buy this 20 acres but Mr. Jones can't submit the plat because it requires two signatures and the seller isn't comfortable signing the agreement guaranteeing the installation of improvements. Mr. Jones stated he should have draft final turned in 30 days for TMAPC review.

TMAPC Action; 7 members present:

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Adams, Carnes, Doctor, Reeds "absent") to **APPROVE** the accelerated release of a building permit per staff recommendation.

* * * * *

22.5200 Mingo Commercial (CD 7) Request authorization for an accelerated release of a building permit, Location: South of the southwest corner of East 51st Street South and South Mingo Road

STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The platting requirement on this property was the result of a rezoning (Z-7280) from CS to IL. A preliminary plat for the project was approved on December 17th, 2014. The property owner is continuing to address conditions of the preliminary plat approval in order to gain final plat approval. The latest draft final plat was submitted on February 27, 2017.

The Technical Advisory Committee (TAC) met on February 2, 2017 and provided the following information:

- Sanitary sewer and water service is available for the proposed project and will require no additional extensions or improvements.
- IDP has been submitted in order to accommodate drainage into the existing unimproved channel.

In 1994, the owner of the property and the City of Tulsa entered into an agreement requiring the owner of the property to complete necessary improvements to the drainage channel west and north of this project prior to any development. The initial development of the property was never completed. Beginning in 2014, the current developer of the property rezoned to IL and triggered a requirement to plat the property. In addition, the current developer is subject to the 1994 agreement to improve the drainage channel and is working to design the channel in accordance with regulations of the City of Tulsa, FEMA, and the Army Corp of Engineers.

On February 27, 2017 the City of Tulsa and Milton H. Berry Trust agreed to enter into an amendment to the 1994 agreement which permits development on the project site under application to proceed prior the completion of the channel improvements given that all other requirements of the agreement are met including, but not limited to, the submittal of a letter of credit by the property owner to cover preconstruction and construction costs associated with the channel improvements.

Staff recommends **approval** of the accelerated release of a building permit with the condition that the letter of credit be submitted and approved by the City of Tulsa prior to the issuance of any permits. Additionally, no certificates of occupancy will be issued until the filing of a final plat.

Ms. VanValkenburgh stated the property owner and the City of Tulsa have agreed to the amendment of that 1994 agreement regarding this property and the City of Tulsa is waiting on a letter of credit. If TMAPC approves the accelerated release of a building permit it will be conditioned upon the City of Tulsa's receipt of the letter of credit which should be received in the next few days.

Applicant's Comments:

Jim Beach 200 East Mathew Brady Street, Tulsa, OK 74103

Mr. Beach stated the owner of this property has submitted a letter from the bank promising to deliver the letter of credit. Mr. Beach stated the applicant is wanting to build a medical facility on this property which is one lot in a larger plat. Mr. Beach stated that draft final plat is scheduled to be at TMAPC on March 15, 2017 and then 5 to 6 weeks later is the timeframe to get through the platting process and get the plat recorded. Mr. Beach stated the project needs to be started right away to secure the applicant's place in the market.

Dr. Dix asked how much time is it saving the applicant if this is approved.

Mr. Beach stated 30 to 45 days.

TMAPC Action; 7 members present:

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Adams, Carnes, Doctor, Reeds "absent") to **APPROVE** the accelerated release of a building permit per staff recommendation.

OTHER BUSINESS

23. Commissioners' Comments

ADJOURN

TMAPC Action; 7 members present:

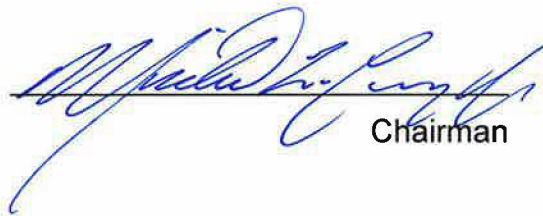
On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Adams, Carnes, Doctor, Reeds "absent") to **ADJOURN** TMAPC meeting 2741.

ADJOURN


There being no further business, the Chair declared the meeting adjourned at 4:02 p.m.

Date Approved:

03-15-2017


Chairman

ATTEST:


Secretary