

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2768

Wednesday, April 18, 2018, 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	Chapman	Jordon, COT
Covey		Foster	Silman, COT
Dix		Hoyt	VanValkenburgh, Legal
Doctor		Miller	
Fretz		Sawyer	
Krug		Wilkerson	
Millikin			
Ritchie			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 12, 2018 at 12:11 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman’s Report:

Director’s Report:

Ms. Miller reported on City Council and Board of County Commission actions and other special projects

1. **Minutes:**

Approval of the minutes of April 4, 2018 Meeting No. 2767

On **MOTION** of **DIX**, the TMAPC voted 9-0-1 (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Walker, “aye”; no “nays”; Shivel, “abstaining”; Reeds, “absent”) to **APPROVE** the minutes of the meeting of April 4, 2018, Meeting No. 2767.

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-1001** (Lot-Combination) (CD 6) – Location: South of the southeast corner of East 11th Street South and South 129th East Avenue
3. **LC-1003** (Lot-Combination) (CD 4) – Location: Northwest corner of East 31st Street South and South Harvard Avenue (Related to LS-21123)
4. **LS-21123** (Lot-Split) (CD 4) – Location: Northwest corner of East 31st Street South and South Harvard Avenue (Related to LC-1003)
5. **LC-1004** (Lot-Combination) (CD 4) – Location: Southwest corner of South Denver Avenue and West 11th Street South
6. **LC-1005** (Lot-Combination) (CD 4) – Location: West of the northwest corner of South Trenton Avenue and East 3rd Street South
7. **LC-1006** (Lot-Combination) (CD 5) – Location: East of the southeast corner of East 13th Street South and South Sheridan Road (Related to LS-21124)
8. **LS-21124** (Lot-Split) (CD 5) – Location: East of the southeast corner of East 13th Street South and South Sheridan Road (Related to LC-1006)
9. **LC-1007** (Lot-Combination) (CD 4) – Location: East of the northeast corner of North Boulder Avenue and West Cameron Street
- Item 10 was moved to Public Hearing
11. **LC-1009** (Lot-Combination) (CD 9) – Location: East of the southeast corner of East 51st Street South and South Delaware Place
12. **LC-1010** (Lot-Combination) (CD 2) – Location: Northwest corner of West 47th Street South and South 27th West Avenue

13. **LS-21125** (Lot-Split) (CD 8) – Location: South of the intersection of South Toledo Avenue and East 111th Street South
14. **LS-21126** (Lot-Split) (CD 9) – Location: Northwest corner of South Granite Avenue and East 71st Street
15. **LS-21128** (Lot-Split) (CD 9) – Location: North of the northwest corner of East 32nd Street South and South Utica Avenue
16. **PUD-677-A-4 Guy McAnally** (CD 8) Location: West of the northwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to reduce the street setback along Lakewood Avenue to 15 feet to allow a pool (Continued from April 4, 2018)

STAFF RECOMMENDATION:

SECTION I: PUD-677-A-4 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to reduce the required yard along Lakewood Ave from 25 feet to 15 feet to allow a pool to be constructed.

Currently, the yard along Lakewood is considered a street yard and a rear yard for the home, requiring a 25 ft setback. The unique configuration of the subject lot, with streets on three sides, makes placing a pool on the lot difficult and with limited space to work with, without utilizing a reduced setback on the yard adjacent to Lakewood Ave.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-677-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the setback along Lakewood Ave from 25 feet to 15 feet.

17. **PUD-677-A-5 Ashley Martin/Baker Pools** (CD 8) Location: West of the northwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to reduce the street setback along Lakewood Ave to 15 feet to allow a pool

STAFF RECOMMENDATION:

SECTION I: PUD-677-A-5 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to reduce the required yard along Lakewood Ave from 25 feet to 15 feet to allow a pool to be constructed.

Currently, the yard along Lakewood is considered a street yard and a rear yard for the home, requiring a 25 ft setback. The unique configuration of the subject lot, with streets on two sides, makes placing a pool on the lot difficult and with limited space to work with, without utilizing a reduced setback on the yard adjacent to Lakewood Ave.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-677-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the setback along Lakewood Ave from 25 feet to 15 feet.

Item 18 was moved to Public Hearing

19. **PUD-405-25 Birkie Ayer** (CD 8) Location: Southwest corner of East 91st Street South and South Memorial Drive and requesting a **PUD Minor Amendment** to modify display, setback and landscape requirements

STAFF RECOMMENDATION:

SECTION I: PUD-405-25 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to modify the requirement of the number of automobiles allowed on display between the front and side lot lines, reduce the setback from 40 ft to 10 ft for display of merchandise and modify the landscape requirements.

The subject lot currently contains a fuel station. The current auto dealership to the south has acquired the subject lot and would like to integrate it into their auto display area. The proposed development standards are in line with those that were approved on 10/1/14 for the current dealership in minor amendment PUD-405-23, and would help create a consistent look between the existing dealership and the new proposed area. The Zoning code requires an S1 screening along the street frontages. While the landscape plan is conceptual, at this time, it appears to conform to the S1 screening standard.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-405 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to modify the requirement of the number of automobiles allowed on display between the front and side lot lines, reduce the setback from 40 ft to 10 ft for display of merchandise and modify the landscape requirement

21. **QTD/K Addition** (CD 3) Final Plat, Location: East of the southeast corner of East 43rd Street North and North Garnett Road

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds, “absent”) to **APPROVE** Items 2 through 9 and 11 through 17 and items 19 and 21 per staff recommendation.

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

Mr. Covey stated item 10 will be heard with related item 22.

Mr. Fretz recused himself for item 18.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

18. **PUD-712-4 Larry McCool** (CD 6) Location: Northwest corner of East 51st Street and South 193rd East Avenue requesting a **PUD Minor Amendment** to remove 11-foot landscape strip along northern boundary

STAFF RECOMMENDATION:

SECTION I: PUD-712-4 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to remove the requirement for a landscape area not less than 11 feet in width along the Northern boundary of the PUD.

Currently, the Development Standards call for a landscape area of not less than 11 feet in width along the West and Northern boundaries of the PUD. The applicant is proposing to remove this requirement along the North boundary, leaving the requirement along the West boundary in place. A screening wall of not less than 6 feet in height is also required along the West and North boundary. The North walls of the Northern most mini-storage buildings and the West walls of the Western most mini-storage buildings are to have a masonry exterior finish. This can be seen on the proposed elevations included with this report.

The required landscape area helps serve to buffer the residences to the North from the mini-storage use proposed. To lessen the impact on those neighbors of

the development, the minimum 11 ft landscape area along the Northern boundary should remain a requirement. For reference, the Zoning code calls for parking areas, including the drives to maneuver around them, have a landscape buffer of 10 ft and S1 screening when adjacent to residential zones.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment represents a departure from the approved development standards in the PUD.
- 2) The required 11 ft landscape area along the Northern boundary should remain. Removal would have an adverse impact on the adjacent homes.
- 3) If approved, all remaining development standards defined in PUD-712 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **denial** of the minor amendment request to remove the requirement for a landscape area not less than 11 feet in width along the Northern boundary of the PUD.

Applicant’s Comments:

Larry McCool 1703 East Skelly Drive, Tulsa, OK

Mr. McCool stated sometimes with PUD’s they don’t recognize geographic issues on the site. Mr. McCool stated the original PUD called for a 570-foot-long storage building that was exactly 11 feet off the northern boundary but the topography says the drainage off of the homes moves towards this building and would move into that building. Mr. McCool stated this would create a situation controlling the run off and flooding and accumulation of water. Mr. McCool stated in lieu of putting a long building along the northside the concept suggests putting the buildings that are oriented north-south and no building along the northside and the north face of the buildings would be 31 feet from the north property line. Mr. McCool stated this would create 31 feet of open space between the masonry screen wall and then the paving would be 11 feet out. Mr. McCool stated the landscape area seemed unnecessary and a maintenance issue for the owner as well as something that would be seen by the residents to the north. Mr. McCool stated he would like to eliminate the landscape area because it does not seem to generate any kind of a buffer and in Mr. McCool’s observation of the Zoning Code both the 2005 and the 2015 and the PUD he doesn’t see anything that would suggest any vegetation was required that would be planted on the applicant’s side of the fence. Mr. McCool stated all it is a patch of green grass on

the applicant's side of the screen fence that serves no recognizable benefit to the residents.

Mr. Dix asked applicant if he is wanting Planning Commission to eliminate the green area on the applicant's side of the fence, on the property line.

Applicant answered "correct". Applicant stated the PUD calls for the applicant to screen the mini storage property from the residents and if the screen wall is placed 11 feet from the property line there would be a 600-foot patch of 11 feet wide grass that is on the northside.

Ms. VanValkenburgh asked staff if the application in front of the commission today was the removal of the 11-foot landscaping strip and not the reconfiguration of the conceptual plan.

Staff answered "yes" that is correct.

Ms. VanValkenburgh just wants to make sure the applicant knows that whatever the commission does today would not change the conceptual plan that is approved in the PUD.

Mr. Dix asked the applicant if what he was proposing was to change the conceptual plan.

Ms. VanValkenburgh stated that was not included in the application for relief and was probably not noticed that way.

Mr. McCool answered the original PUD had twice as much ground area committed to mini storage, it was "L" shaped and went along the north property line and turned and went along the south property line to 51st Street. Mr. McCool stated since that time a goodwill store has been built on 51st Street and the hydrology development for the site has placed a retention pond along the westside. Mr. McCool stated the site for the mini storage is significantly different than the original PUD.

Mr. Dix stated if the 11 feet of green space was eliminated today that does not allow you to put what is depicted on 18.8 in place of the original plan.

Mr. McCool asked if the sketch drawing that was in the PUD in order to rearrange or configure buildings is another amendment to the PUD.

Mr. Dix stated "yes".

Mr. Walker asked staff if the denial recommendation was based on the buffering.

Staff answered "yes".

Mr. McCool stated when he went into INCOG it was for a site plan review and was advised he needed a minor amendment to eliminate the green strip but was not advised the site plan in terms of the building configuration was another minor amendment.

Mr. Dix asked staff if the green strip beyond the fence on resident's property or on the applicant's side of the fence.

Staff stated it is on the applicant's side. Staff stated the way the PUD is worded is vague and integrates the building into the fence itself and considers the northern building that was purposed at the time a portion of the wall, which is how it was connected to the conceptual plan.

Mr. McCool stated the use of the building wall as part of that screen fence was an option and the PUD didn't stipulate that this had to do it that way. He stated mini-storages have security cameras and the idea of the back side of the building being exposed to an unsecure area is contradictory to the service the applicant provides for his tenants.

Mr. Walker asked staff if the applicant could be revised today because if denied the applicant would have to reapply.

Staff answered if it is revised it would need to be re-noticed.

Ms. VanValkenburgh stated you could continue this item.

Mr. Covey asked would planning commission continue it or withdraw and then submit a new application incorporating all they want to do.

Ms. VanValkenburgh stated the applicant could just amend his application.

Mr. Covey asked if the advertising would have to be different if it is continued.

Ms. Miller stated if it was withdrawn the applicant would lose that initial application fee and would have to pay again but if continued the applicant can still use the application base fee and just pay for what is added on.

INTERESTED PARTIES:

Steve Stevenson 4904 South 191st East Avenue, Tulsa, OK 74124

Mr. Stevenson stated he lives adjacent to the subject property on the northeast end. Mr. Stevenson stated he was had water issues on his property caused by this development. Mr. Stevenson stated he is not happy with the owners of the subject property because he has to call several times during the summer to get the owners to mow the property and take of property. Mr. Stevenson stated at one point the weeds were higher than his 6-foot privacy fence. Mr. Stevenson stated he would like to have the eleven-foot buffer to help get rid of the water and maybe keep the water out of the neighboring properties. Mr. Stevenson stated he would really like the whole mini storage to go away there are enough of them in the area with 3 storage facilities within 1 mile of this location. Mr. Stevenson stated the retail space on the front of the building is already built and it may be too late to stop it. Mr. Stevenson stated there are proposed 9-foot lights on the north side of the building, next to a 6-foot fence and that will light up the whole neighborhood. Mr. Stevenson stated he would like

to ask Planning Commission to see if the mini storage could be eliminated or keep the 11-foot landscape strip.

Mr. McCool stated he believes approving this minor amendment would help with the drainage. Mr. McCool stated the long east/west building was an incorrect solution for this site and had been since the original PUD in 2005. Mr. McCool stated that was the reason for reorienting the buildings and pulled them back 31 feet from the property line. Mr. McCool stated the engineers have told him the hydrology for the entire corner of 23 acres has been accommodated in the detention pond capacity. Mr. McCool stated he didn't want to do anything on this property that pulled or pushed water. Mr. McCool stated the pulling back of the buildings was to get more separation between the buildings and the houses to the north. Mr. McCool stated the 9-foot lighting design is per code and designed to not create a problem for the neighbors. Mr. McCool stated he could try to address Mr. Stevenson's drainage problem.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-1** (Adams, Covey, Dix, Doctor, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; Fretz, "abstaining"; Reeds, "absent") to **CONTINUE** the Minor Amendment PUD-712-4 to May 2, 2018.

20. **91st & Elwood** (CD 2) Final Plat, Location: Northwest corner of West 91st Street South and South Elwood Avenue

STAFF RECOMMENDATION:

This plat consists of 7 lots, 6 blocks on 80± acres.

The Technical Advisory Committee (TAC) met on September 21, 2017 and provided the following conditions:

1. **Zoning:** The eastern portion of the property has been rezoned to a CG designation with an approved optional development plan (Z-7397). The western portion of the property remains AG (Agriculture). The plat should be limited to the portion of the property that was rezoned under Z-7397 and the remaining property should be removed.
2. **Addressing:** Identify proposed street as W. 90th ST. S for east-west portion and S. Frisco Av W. for the north-south portion. Addresses will be assigned at final plat.
3. **Transportation & Traffic:** Provide limits of no access along arterial streets and add language to the deed of dedication. Right turn lane should be measured 388' feet back from the centerline of W. 91st St. S.
4. **Sewer:** Label and dimension existing sanitary sewer easements and clarify connections between lots.
5. **Water:** Provide book and page for existing waterline easement and provide a 20' dedicated waterline easement for proposed mainline extensions.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Remove contours from final plat submittal. Add "State of" before Oklahoma in the plat subtitle. Change label from "Point of Commencing" to "Point of Commencement". Define the basis of bearing between two known points and state/provide the bearing angle. Include only platted property in the location map and label all other property as "unplatted". Label subject property as "Site" or

“Project Location”. Label highway in the location map as U.S. Highway 75. Provide a metes and bounds legal description. Graphically label the point of beginning on the face of the plat.

7. **Airport:** Avigation notice required to be affixed to the face of the plat.
8. **Stormwater, Drainage, & Floodplain:** The western portion of the property is significantly impacted by floodplain and floodway. Remove everything west of the levy from the plat.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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.

**The applicant indicated his agreement with staff’s recommendation.
There were no interested parties wishing to speak.**

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds, “absent”) to **APPROVE** the final Plat, 91st & Elwood with the condition the IDP is approved before city officials execute the final plat.

PUBLIC HEARINGS:

Item 10 was removed from Consent Agenda and placed on Public Hearing.
Items 10 and 22 were presented together.

10. **LC-1008** (Lot-Combination) (County) – Location: East of the northeast corner of North Sheridan Road and East 76th Street North (Related to LS-21127 on Public Hearing)

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds, “absent”) to **APPROVE** Lot Combination LC-1008 per staff recommendation

22. **LS-21127** (Lot-Split) (County) – Location: East of the northeast corner of North Sheridan Road and East 76th Street North (Related to LC-1008 on Consent Agenda)

STAFF RECOMMENDATION:

The Lot-Split proposal is to split an Agriculture (AG) tract (created through LC-1008) into three tracts. All three tracts require a waiver of the subdivision regulations requiring that no lot have more than three side lot lines. All tracts will meet the Bulk and Area requirements of the Tulsa County Zoning Code.

The Technical Advisory Committee met on April 5, 2018 and had the following comment. The County Engineer is requesting that 50' of right-of-way be dedicated along East 76th Street North, including any previously dedicated right-of-way.

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

The applicant indicated his agreement with staff's recommendation. There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **APPROVE** Lot Split LS-21127 per staff recommendation.

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23. **38th & Riverside** (CD 9) Preliminary Plat, Location: Northeast corner of East 38th Place South and South Riverside Drive

STAFF RECOMMENDATION:

This plat consists of 1 lot, 1 block, 0.78 ± acres.

The Technical Advisory Committee (TAC) met on April 5th, 2018 and provided the following conditions:

1. **Zoning:** Proposed lot conforms to the requirements of the approved RM-2 zoning. Zoning change for southeast lot was approved by City Council on April 3, 2018. All development on site is subject to the requirements of the River Design Overlay.
2. **Addressing:** Address will be assigned to final plat. Provide lot address graphically on the face of the final plat.
3. **Transportation & Traffic:** Provide limits of no access along Riverside Drive.
4. **Sewer:** No comments.
5. **Water:** Water lines are available. Any internal water lines must be private and utilize a fire flow meter.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Remove contours on final plat submittal. Label graphically the point of commencement (POC) and provide it in the written legal description along with bearing angle and distance to the Point of Beginning (POB). Ensure written legal matches the face of the plat. Add missing subdivisions to the location map and label all other land as unplatted or UNP.
7. **Fire:** Per conceptual plan, additional fire hydrants may be required. If required, provide appropriate easement for anything outside of the ROW.

8. **Stormwater, Drainage, & Floodplain:** Prior to approval, provide proof that the existing systems are designed to intercept discharges from this site and ensure any offsite flows entering the site are accounted for. Provide appropriate easements if required.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **APPROVE** 38th & Riverside Preliminary Plat per staff recommendation.

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24. **The Vineyard Office Park** (CD 8) Preliminary Plat, Location: West of South Memorial Drive at East 108th Street South

STAFF RECOMMENDATION:

This plat consists of 6 lots, 1 block, 2.56 ± acres

The Technical Advisory Committee (TAC) met on April 5th, 2018 and provided the following conditions:

1. **Zoning:** Plat is located within PUD-619-C. Lots conform to the requirements of the PUD.
2. **Addressing:** Address will be assigned to final plat. Provide lot address graphically on the face of the final plat.
3. **Transportation & Traffic:** No comments.
4. **Sewer:** Call out mutual access easement as a utility easement to facilitate utility service to all internal lots.
5. **Water:** Label existing waterline easements with book and page if they are

not part of the plat.

6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Graphically show all property pins found or set on the face of the plat with the correct symbols. Label graphically the point of commencement (POC) and provide it in the written legal description along with bearing angle and distance to the Point of Beginning (POB). Ensure written legal matches the face of the plat. Add missing subdivisions to the location map and label all other land as unplatted or UNP.
7. **Fire:** Per conceptual plan, additional fire hydrants may be required. If required, provide appropriate easement for anything outside of the ROW.
8. **Stormwater, Drainage, & Floodplain:** No comments.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **APPROVE** The Vineyard Office Park Preliminary Plat per staff recommendation.

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25. **CZ-469 Denny Bullington** (County) Location: North and East of the northeast corner of South 97th West Avenue & West 61st Street South requesting rezoning from **RS to AG**

STAFF RECOMMENDATION:

SECTION I: CZ-469

DEVELOPMENT CONCEPT:

The applicants have requested AG zoning. This would allow the single-family homes on the subject lots to have accessory agricultural uses that would otherwise not be permitted in RS zoning within Tulsa County. Agricultural uses are considered Use Unit 3 and allowed uses include Animal Raising, Chicken Hatchery, Farming, Fishery, Nursery, Ranching and Riding Stables.

DETAILED STAFF RECOMMENDATION:

AG zoning is non injurious to the existing proximate properties and;

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

Staff recommends Approval of CZ-469 to rezone property from RS to AG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area.

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 61st St S and S 97th W Ave are designated as Secondary Arterials

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 subject tracts contain single-family homes on large lots.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W 61 st St S	Secondary Arterial	100 Feet	2
S 97 th W Ave	Secondary Arterial	100 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/Agricultural
South	AG/RS/RE/A-1	N/A	N/A	Single-Family
East	RS	N/A	N/A	Single-Family
West	RS	Residential (Sand Springs)	N/A	Single-Family

SECTION III: Relevant Zoning History

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

Subject Property:

CBOA-2524 February 2015: The Board of Adjustment **approved** a *variance*, with conditions, to permit a 1,200 square foot detached accessory building (Sec. 240.2.E); a *variance* to permit a detached accessory building to encroach upon the minimum building setback line (Sec 420.2.A.2); a *variance* from the requirement that a detached accessory building shall be located in the rear yard and/or side yard, on property located north of the northeast corner of West 61st Street South and South 97th West Avenue and one of the parcels on the subject property.

Surrounding Property:

CBOA-2281 October 2007: The Board of Adjustment **approved** a *variance* of Lot Width, Lot Area, and Land Area per Dwelling Unit to permit a lot split in an AG district, with conditions for Lots 4 and 5 only, on property located north and east of the northeast corner of West 61st Street and South 97th Avenue West and abutting the entire northern boundary of the subject property.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **APPROVE** CZ-469 rezoning from RS to AG per staff recommendation.

Legal Description of CZ-469:

BEG 670N SWCR SEC TH E330 S330 W330 N330 POB SEC 36 19 11; N 650 W/2 NW SW SW SEC 36-19-11; E/2 NW SW SW SEC 36-19-11 5.00ACS; S660 E/2 W/2 SW SW SEC 36 19 11 5.00ACS; S/2 W/2 E/2 SW SW SEC 36 19 11 5 AC; N/2 W/2 E/2 SW SW SEC 36-19-11; BEG 990E NWC SW SW TH S1320 E165 N314 E165 N1006 W330 POB SEC 36 19 11 8.811ACS; W/2 W/2 W/2 SE SW SEC 36 19 11 5ACS; E/2 W/2 W/2 SE SW SEC 36-19-11; E 1/2 W 1/2 SE SW SEC 36 19 11 10 AC; E/2 SE SW LESS BEG NEC SE SW TH S332 W332 N332 E332 POB SEC 36 19 11 17.47ACS; PRT SE SW BEG NEC SE SW TH S332 W332 N332 E332 POB SEC 36 19 11 2.53ACS

26. **Z-7438 Tulsa City Council/Matt Morgan** (CD 9) Location: Southeast corner of South Peoria Avenue and East 37th Place South requesting rezoning from **CH/PK to MX1-P-U**

STAFF RECOMMENDATION:

SECTION I: Z-7438

DEVELOPMENT CONCEPT: This request for rezoning is responsive to the City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is CH and PK. The CH portion of the site has unlimited height along South Peoria. PK zoning limits site

development to parking only. The proposed MX zoning supports the type of development and building placement that will be necessary for a successful bus rapid transit system investment by the City.

DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of Z-7438 to rezone property from CH, PK/ to MX1-P-U.

Case Z-7438 requesting MX1-P-U is consistent with the expected development pattern in the area and,

MX1-P-U is not injurious to the surrounding property owners and,

The MX1 requested is considered a Neighborhood Mixed-use district intended to accommodate small scale retail, service and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types and supports open space sites. The rezoning request is consistent with the Bus Rapid Transit System initiative and its land use recommendations and,

MX1-P-U is consistent with the Main Street land use vision in the Tulsa Comprehensive Plan therefore

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX1-P-U is consistent with the land use vision in the Tulsa Comprehensive Plan and is consistent with the goals and objectives that support the Bus Rapid Transit System. The existing zoning pattern creates obstacles that prohibit urban development that is desired as part of the Bus Rapid Transit System and the Town Center vision of the Tulsa Comprehensive Plan.

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 except the Urban Arterial classification. This section of Peoria is also designated as a Main Street with a 70’ minimum street right of way width.

Trail System Master Plan Considerations: None

Small Area Plan: Brookside Infill Design Recommendations (Completed 2002)

Small area plan concept statement: “As Tulsa continues to mature as a city, infill development will become more important as land on the perimeter is no longer available for development. Infill will no longer be the exception; it will be the rule in terms of predominant types of development. Support and encouragement of infill development are strongly recommended and should be implemented through City regulations, policies and philosophies in order to ensure quality and consistency in future development”.

Staff comment: This was a statement from the infill task force prepared by the Mayor's office and the Planning Commission in 1999 and continues to be more relevant today with implementation of the Bus Rapid Transit system and the construction of the Gathering Place. The City has adopted zoning categories to support infill development strategies that will encourage design standards and building placement strategies to help create an urban fabric along Peoria from East 36th South street to I-44.

Special District Considerations:

Historic Preservation Overlay:

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The building shown on the aerial photograph has been removed. The site has been redeveloped as a private park. The existing surface parking lot remains as shown on the aerial images.

Environmental Considerations: None that will affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Urban Arterial / Main Street	70 feet	4 lanes with parallel parking on both sides
East 37 th Place South	None	50 feet	2 lanes

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, OL, PK/PUD 789-A across 37 th Place South	Main Street	Growth	Restaurant and surface parking

East	RS-3	Existing Neighborhood	Growth	Single Family Residential
South	CH, PK, RM-1	Main Street	Growth	Restaurant, surface parking and apartment/condominium
West	CH across Peoria	Main Street	Growth	Restaurant and surface parking

SECTION III: Relevant Zoning History

ZONING ORDINANCE: *Ordinance number 19783 dated February 24, 2000, established PK zoning for the eastern portion of the subject property and Ordinance number 11823 dated June 26, 1970, established CH zoning for the western portion of the subject property*

Subject Property:

Z-6749 February 2000: All concurred in **approval** of a request for *rezoning* a .84± acre tract of land from RS-3/RM-1 to PK for parking purposes on property located east of South Peoria Avenue Fronting East 37th Place and East 38th Street on the subject property. *Ordinance number 19783 dated February 24, 2000, amended zoning ordinance 11823 for a portion of the subject property.*

BOA-18582 December 1999: The Board of Adjustment **approved** a *special exception* modifying requirements for off-street parking spaces and screening upon change of non-conformity with respect to parking and screening (associated with change of use): 1. To permit some of required parking spaces to be located on an adjoining lot other than the lot containing the principal use, allowing mutual and reciprocal parking arrangement between adjoining property owners, and 2. To waive requirement that Use Unit 12 uses be screened from abutting R district or within existing parking lots which are situated on either side of zoning district boundaries, on property located on the southeast corner of South Peoria Avenue and East 37th Place South on the subject property.

BOA-13577 March 1985: The Board of Adjustment **denied** a *variance* (Section 750.2 – Location of Sexually Oriented Business – Use Unit 1212) of the 500’ setback from a church; of the 300’ setback from a non-arterial street which provides access to a residentially zoned district in a CH zoned district; finding that the applicant failed to demonstrate a hardship that would permit the operation of a club of this nature at this location, on property located at the southeast corner of South Peoria Avenue and East 37th Place South on the subject property.

Surrounding Property:

Z-7381 April 2017: All concurred in **approval** of a request for *rezoning* a 0.2± acre tract of land from RS-3 to OL with Optional Development Plan on property located west of the southwest corner of East 37th Place and South Peoria Avenue.

Z-7202 April 2012: All concurred in **approval** of a request for *rezoning* a 0.24± acre tract of land from RS-3 to PK on property located east of the northeast corner of South Peoria Avenue and East 37th Place.

PUD-789-A April 2012: All concurred in **approval** of a proposed *Major Amendment* to PUD on a .48± acre tract of land for addition of lot to the south of PUD-789 to be used for parking, on property located east of the northeast corner of South Peoria Avenue and East 37th Place.

Z-7185/Pud-789 January 2012: All concurred in **approval** of a request for *rezoning* a 0.24± acre tract of land from RS-3 to PK and a Planned Unit Development for off-street parking and screening for KJRH, on property located east of the southeast corner of South Peoria Avenue and East 37th Street.

BOA-20767-B February 2010: The Board of Adjustment **approved** a *variance* of the parking requirement (Section 1212.D) and an amendment to a previously approved plan; both to permit an outdoor customer seating area in addition to an existing restaurant use in the CH district per plan, on property located south of the southeast corner of East 37th Street South and South Peoria Avenue.

BOA-20767-A May 2009: The Board of Adjustment **approved** an *amendment* to a previously approved site plan (BOA-20767), on property located south of the southeast corner of East 37th Street South and South Peoria Avenue.

BOA-20767 September 2008: The Board of Adjustment **approved** a *variance* of the required parking to permit restaurant use in an existing commercial building in the CH district, with conditions to repair and maintain the parking lot and driving lane with asphalt; to repair sidewalks and maintain, per plan, on property located south of the southeast corner of East 37th Street South and South Peoria Avenue.

Z-6597 August 1997: All concurred in **approval** of a request for *rezoning* a .19± acre tract of land from RS-3 to PK for a parking lot, on property located west of the southwest corner of East 37th Place and South Peoria Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Reeds, “absent”) to **APPROVE** Z-7438 rezoning from CH/PK to MX1-P-U per staff recommendation.

Legal Description of Z-7438:

LTS 5-6 BLK 1 & W275 N 2 1/2AC OF S5AC W20AC OF LT 3 SEC 19 19 13 1.04 AC, LEE DELL SECOND ADDN, SOUTH BROOKSIDE ANNEX, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

27. Adopt proposed revisions to Fee Schedule for TMAPC to reflect changes in the recently adopted Subdivision and Development Regulations.

STAFF RECOMMENDATION:

Item for discussion: Adopt proposed revisions to Fee Schedule for TMAPC to reflect changes in the recently adopted Subdivision and Development Regulations.

Background: The Tulsa Metropolitan Area Planning Commission (TMAPC), the Tulsa City Council and the Tulsa County Commission establish application fees for the land development processes. The Subdivision fees were slightly modified in 2013. Prior to that, fees had not been adjusted since 2002. TMAPC fees related to zoning, as well as Board of Adjustment fees, were modified in 2016 to include several new categories and processes resulting from the adoption of the new City of Tulsa Zoning Code. However, the Subdivision fee schedule was not modified at that time since it was anticipated that Subdivision Regulations would be updated soon thereafter.

Both the City of Tulsa and Tulsa County adopted new Subdivision and Development Regulations on February 21, 2018, which will be effective on May 10, 2018. The new Subdivision and Development Regulations streamline processes by introducing administrative approvals for lot splits, lot line adjustments and final plats. The new regulations align platting requirements to those outlined in Oklahoma State Statute, which now makes plat waiver applications unnecessary. And, in response to other processes presented in the

regulations, two new application types are introduced: Exempt Land Division application and Development Regulations Compliance application. The previous format for application fees based on size has been eliminated since recent caseload has demonstrated that there is no consistent direct correlation between the complexity of the application and the size of the project. Other fees were streamlined to reflect amended processes.

The attached revised fee schedule reflects the proposed changes (shown in highlight). The existing fee schedule is also attached for comparison.

Staff Recommendation: Adopt proposed revisions to TMAPC fee schedule.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **ADOPT** the resolution revising the Land Development Fees per staff recommendation.

28. Commissioners' Comments

ADJOURN

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to **ADJOURN** TMAPC meeting 2768.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:22 p.m.

Date Approved:

06-06-2018


Chairman

ATTEST:


Secretary