

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2780

Wednesday, October 17, 2018, 1:30 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey	Krug	Chapman	Jordan, COT
Dix	Millikin	Foster	Silman, COT
Doctor		Hoyt	VanValkenburgh, Legal
Fothergill		Miller	Warrick, COT
Fretz		Sawyer	
Reeds		Wilkerson	
Ritchey			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 11, 2018 at 2:45 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:27 p.m.

### **REPORTS:**

**Chairman's Report: None**

**Director's Report:**

Ms. Miller reported on City Council and Board of County Commission actions taken and other special projects. Ms. Miller stated the TMAPC meeting and work session for November 21, 2018 is the day before Thanksgiving and therefore may need to be moved to another date. Ms. Miller will email Commissioners to

offer alternate days. Ms. Miller introduced Robi Jones who will be transitioning to a position at INCOG called Tulsa Community Planner.

Mr. Covey stated he would rather see the County spend the money on code enforcement because if you rewrite the plans you need to be able to enforce them.

Mr. Fothergill stated he agrees except the enforcement mechanism is through the District Attorney’s office and doesn’t require monetary investment. Mr. Fothergill stated if Tulsa County is going to have a plan to enforce they want to have a good plan.

\* \* \* \* \*

**1. Minutes:**

**Approval of the minutes of October 3, 2018 Meeting No. 2779**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Krug, Millikin, “absent”) to **APPROVE** the minutes of the meeting of October 3, 2018, Meeting No. 2779.

**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. **PUD-816-1 KB Enterprise Homes, LLC** (CD 6) Location: Northeast corner of South 180<sup>th</sup> East Avenue and East 43<sup>rd</sup> Place requesting a **PUD Minor Amendment** to increase the allowable driveway coverage

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-816-1 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Revise the PUD Development Standards to increase the allowable driveway coverage in the front yard from 45% to 63%.

Currently, the development standards of the PUD only allow 45% driveway coverage in the required front yard. The applicant is requesting this be increased

to 63% in order to permit a larger drive. The lot, itself in unusually shaped, with the front yard being its narrowest point.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.I.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-816 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase the allowable driveway coverage in the front yard from 45% to 63%.

**Legal Description: PUD-816-1**

Lot 7, Block 2, Huntington Park

3. **Sheridan Square** (CD 8) Change of Access, Location: South of the southeast corner of East 91<sup>st</sup> Street South and South Sheridan Road

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Krug, Millikin, “absent”) to **APPROVE** Items 2 and 3 per staff recommendation.

Mr. Walker read the opening statement and rules of conduct for the TMAPC meeting.

**PUBLIC HEARINGS:**

Mr. Covey stated the continuance requests will be addressed first.

10. **Woodland Valley** (CD 7) Preliminary Plat, Location: South of the southeast corner of East 61<sup>st</sup> Street South and South 90<sup>th</sup> East Avenue (Continued to November 7, 2018)

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Krug, Millikin, “absent”) to **CONTINUE** Woodland Valley Preliminary Plat to November 7, 2018 per staff recommendation.

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4. **CPA-75**, consider adoption of **Walkability Analysis, May 2018**, as an amendment to the Downtown Area Master Plan (Continued from October 3, 2018)

**Item:** Amendment to the Downtown Area Master Plan to include policy direction for providing appropriate pedestrian facilities in downtown Tulsa based on the Tulsa Oklahoma Downtown Walkability Analysis performed by Speck & Associates LLC with Nelson Nygaard Consulting Associates, Inc.

**Background:** This item was presented and discussed at a TMAPC work session on September 5, 2018. The concepts within the Walkability Analysis are grounded in policy established in the Downtown Area Master Plan. The geographic boundary for this Analysis is the inner dispersal loop (IDL) which creates a ring of interstate highways around downtown Tulsa. Support for this analysis came from individuals, authorities, boards and commissions of the City, corporate and philanthropic partners, downtown property owners and institutions. Spurred by Jeff Scott, a former chairman of the DCC, many stakeholders and citizens were engaged through outreach and presentations during the time the Analysis was being developed.

**Update for October 17, 2018 TMAPC Hearing:** Following presentation and discussion of this item at the October 5, 2018 hearing, staff amended pages 208-210 of the Walkability Analysis (see attached). The changes consist of removal of specific references to two downtown development projects. While the graphics and text related to these projects was removed, the substance of this section is still valid and reflected in the remaining narrative. The recommendation presented by the author for a stronger regulatory structure to ensure better

[design solutions for Tulsa's downtown, arguably our most walkable neighborhood, is sufficiently supported by this section of the report.](#)

**Downtown Area Master Plan:** The Downtown Area Master Plan is an action plan focused on revitalization. The stated mission of this policy document addresses three major targets:

- Revitalize the downtown
- Connect it to the Tulsa River Parks system
- Initiate rail transit extending outward from the downtown to the beginnings of future corridors serving the city and the region.

The plan identifies the goal of creating an active and vital 24-hour neighborhood as a key opportunity. The primary focus of the plan states:

*“The area’s most important to the revitalization of downtown are the initiatives to attract a population to activate it between the hours of 5:00 p.m. and 8:00 a.m. as well as weekends. A 24/7 downtown will also address the amenities to increase convenience and quality of life. The principal foci include residences, entertainment, conventions and visitors. All area enhanced by connecting the downtown to its region by multiple modes of transportation.”*

With this as a guide, the Analysis offers a means of creating an environment that promotes walking by addressing the key causes:

- A safe walk
- A useful walk
- A comfortable and interesting walk

It addresses the way people use our street network – in vehicles, on foot or on bicycles or other alternative modes of transportation. Allowing the public realm to offer shared space to accomplish many of the daily activities of city life means more “eyes on the street,” more efficient use of public resources and a better way to experience downtown from the vantage of a pedestrian instead of a car driver or passenger. The Analysis encourages the extension of indoor activities and uses into the public realm of the sidewalk and right of way. It also encourages the City to experiment and pilot changes such as removing signals in favor of stop signs, increasing availability of on-street parking, proper crosswalks and alleys and improving the public realm with lighting, landscaping, sidewalk cafes and street furnishings.

The document includes a traffic analysis methodology and technical appendices consisting of the traffic studies and engineering reviews used to formulate recommendations for changes it recommends.

**Implementation:** The Analysis will be implemented through capital projects directed by the City and in conjunction with the Downtown Coordinating Council (DCC). While the Analysis provides a fairly detailed review of street segments within the IDL, recommendations will require additional engineering and design in order to best address existing conditions, regulatory constraints, and adopted standards.

**Staff recommendation:** Adopt the Walkability Analysis, *with amended “One-Page Zoning Code Overlay” section*, as an amendment to the Downtown Area Master Plan.

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Krug, Millikin, “absent”) to **AMEND** the Downtown Area Master Plan, which is an amendment of the Comprehensive Plan, to include the recommendations of the Downtown Walkability Analysis, but not including the two examples depicted on pages 208 and 209 or related commentary.

\* \* \* \* \*

Mr. Covey stated items 5 and 6 would be presented together.

5. **CZ-478 Old Sod Associates** (County) Location: Southwest corner of North Lewis Avenue and East 146<sup>th</sup> Street North requesting rezoning from **AG to CG** (Related to PUD-850)

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-478**

**DEVELOPMENT CONCEPT:** Rezone from AG to CG/PUD-850 to permit a propane storage facility. No buildings are proposed at this time, only a storage tank and associated equipment.

**DETAILED STAFF RECOMMENDATION:**

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

CG zoning is consistent with the City of Skiatook Land Use Plan therefore;

**Staff recommends Approval of case CZ-478 to rezone property from AG to CG.**

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The City of Skiatook Land Use Plan designates the subject lot as Commercial. This designation calls for the type of uses proposed, if allowed, to provide attractive architecture with masonry facades and outdoor storage should be completely screened with an opaque wood or masonry fence.*

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: E 146<sup>th</sup> St N is a Primary Arterial. N Lewis Ave is a Secondary 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 is currently a vacant portion of a larger lot containing a single-family residence.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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E 146 <sup>th</sup> St N	Primary Arterial	120 Feet	4
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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	AG	N/A	N/A	Vacant
South	AG	N/A	N/A	Single-Family
East	AG	N/A	N/A	Vacant/Single-Family
West	AG	N/A	N/A	Vacant

**SECTION III: Relevant Zoning History**

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

**Subject Property:** No relevant history

**Surrounding Property:**

**CBOA-2178 October 2005:** The Board of Adjustment approved a variance of lot area from 2 acres to 1.08 acres; variance of land area from 2.1 acres to 1.08 acres; and a variance of average lot width from 150 feet to 142 feet, on property located south of the southwest corner of East 146<sup>th</sup> Street North and North Lewis Avenue.

**Applicant's Comments:**

The Applicant stated he attended the Skiatook City Council on Tuesday and most of the concerns that they expressed were addressed in Council. The Applicant stated there would be light use on the subject property, but this propane tank is needed to service the customers in this area. The amount of traffic will be minimal. The Applicant stated if there are any safety questions he has Greg Counts, State Inspector for the LP Gas Administration.

**INTERESTED PARTIES:**



**Rodney McPherson** 14850 North 28<sup>th</sup> East Avenue, Skiatook, OK 74070

Mr. McPherson stated he lived across the pond from the subject property. Mr. McPherson stated he has concerns about big trucks in the area. Mr. McPherson stated during the morning and afternoon rush hour you're taking your life into your own hands trying to turn onto Highway 20. Mr. McPherson stated someone asked about houses to the south on the dead-end road, but no one asked about houses to the north. Mr. McPherson stated according to google maps there are 560 houses within a square mile of this facility. None of these residents received notice that the applicant was going to talk at the Skiatook City Council meeting or any notice about the TMAPC meeting today. Mr. McPherson stated the only reason he knew about the meeting was the sign on the property. Mr. McPherson stated his biggest concern is safety, He stated he has seen propane tanks pop off in the summer and saw propane fires on google. Mr. McPherson stated this will impact all those 560 people that have to come through that intersection. The City of Skiatook would have to accept policing and fire control of this property and because it is outside the city limits there would not be any revenue going back to the City of Skiatook. Mr. McPherson stated staff is saying approve the zoning but deny the PUD, but Mr. McPherson believes this is backwards because the PUD needs to be in place to know how the property is going to be used before changing the zoning. If you change the zoning without a PUD in place, then the applicant can do whatever he wants.

**Michael Render** 15 West 6<sup>th</sup> Street #1209 Tulsa, OK 74119

Mr. Render stated he is a member of the Osage County Board of Adjustment and understands TMAPC's difficulty in making these decisions. Mr. Render stated he has property to the west of the subject property on the northside of Highway 20. Mr. Render stated he believes this is an inappropriate use for this area. He stated Highway 20 is mostly vacant and several potential businesses have contacted him wanting to locate there. Mr. Render stated there is a huge ranch to the east that represents one of the true opportunities for a mixed-use master plan community in the Tulsa County area. Mr. Render stated he thinks there is tremendous opportunity for a high quality residential or commercial development in this area and he doesn't think an industrial use is proper for this area. Mr. Render stated there is a substation to the north of the subject property and when it was zoned there were promises made that there would be some trees and shrubs for screening that didn't restrict air flow, but this was never done. Mr. Render stated he thinks it is an inappropriate use for a property that has such great potential for high quality commercial and residential development.

**Paula Laney** PO BOX 158 Cookson, OK

Ms. Laney stated she is the Safety Director for the State of Oklahoma Commission. Ms. Laney stated you have a greater chance of being struck by lightning than having an incident involving a propane storage tank according to a publication published by Texas A&M. Ms. Laney stated these storage facilities gets bad press, but it is unwarranted bad press. The NFPA (National Fire Protection Association) codes are adopted by the state and Oklahoma is one of

the leading states in the union because the most current codes in their entirety are adopted. The state enforcement body maintains a regular schedule of inspections annually. Ms. Laney stated there are a minimum of three fail safes which can all be activated in the event of an emergency and all have to be inspected annually. Ms. Laney stated Froman Propane is a highly reputable company and they are leaders in safety training. Ms. Laney stated if she needs a quality installation to take someone out to demonstrate she goes to Froman.

The applicant stated he wants to do good things in the community and understands the concerns expressed. The applicant stated there is 1320 feet visibility in both directions and it takes 525 feet to stop a loaded semi at 65 mph.

Mr. Reeds asked the applicant how many facilities he currently has.

Applicant answered he has 380,000 gallons of storage company wide.

Mr. Reeds asked if he had any issues.

Applicant stated there was a report that he had a leak in Skiatook, but he has never had one and it was a valve that was left on by the worker. The applicant stated his facilities are set up with actuators so if you are hooked into the tank the driver can't start the truck. The applicant stated he takes a lot of precautions that the NFPA doesn't require. The applicant stated he is very involved in this industry statewide and on the national level.

**T TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-0-1** (Dix, Doctor, Fothergill, Fretz, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; Covey, "abstaining"; Krug, Millikin, "absent") to **APPROVE** CZ-478 rezoning from AG to CG per staff recommendation.

**Legal Description of CZ-478:**

PRT E/2 NE/4 BEG 60S & 50W NEC NE/4 TH S195 W281 N195 E281 POB  
SEC30 22 13 1.25 ACS TULSA COUNTY, STATE OF OKLAHOMA.

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6. **PUD-850 Old Sod Associates** (County) Location: Southwest corner of North Lewis Avenue and East 146<sup>th</sup> Street North requesting **PUD** to permit a propane storage facility (related to CZ-478)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-850**

**DEVELOPMENT CONCEPT:** Rezone from AG to CG/PUD-850 to permit a propane storage facility. No buildings are proposed at this time, only a storage tank and associated equipment.

**DETAILED STAFF RECOMMENDATION:**

PUD-850 is not consistent with the anticipated future development pattern of the surrounding property;

PUD-850 is not consistent with the City of Skiatook Land Use Plan therefore;

**Staff recommends Denial of case PUD-850 to rezone property from AG to PUD-850.**

**DEVELOPMENT STANDARDS:**

**Permitted Uses:** Use Unit 25 – Light Manufacturing and Industry, limited to propane storage and associated accessory uses.

**Landscape:** A 10 ft landscape buffer shall be required along the perimeter of the PUD, with a minimum of one tree per 25 linear feet of property line.

**Lighting:** Any site lighting shall be installed so that the light is pointed down and away from adjacent properties.

**Signage:** No signage shall be permitted, except on the propane storage tank.

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The City of Skiatook Land Use Plan designates the subject lot as Commercial. The proposed propane storage use classified as a light industrial use and is only allowed in CG zoning through approval of this PUD or through a special exception request by the Board of Adjustment. The proposed PUD, as written, does not meet the intent of the Commercial description in the Skiatook Master Plan, as shown below.*

**Commercial**



The Commercial land use category represents areas of retail trade and services. Typically these areas are located around nodes of arterial street intersections or in some cases at intersections of collectors and arterials. The corridor near and around US-75 and SH-20 have enormous potential to establish regionally significant commercial uses, such as an outlet mall or amusement park. The commercial use category includes uses that range from small neighborhood convenience shopping areas, single free standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses.

**Corresponding Zoning Classifications**

- Commercial Shopping (CS)
- Commercial General (CG)
- Commercial High Intensity (CH)
- Office Light (OL)
- Office Medium (OM)

- Industrial Light (IL) is possible if: No traffic passes through residential areas to access said sites. Care is taken to provide attractive architecture with masonry facades of brick, stone, stucco, split face block or equivalent materials. Storage of outdoor equipment or materials is completely screened with an opaque wood or masonry fence in the rear of the property.

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: E 146<sup>th</sup> St N is a Primary Arterial. N Lewis Ave is a Secondary 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 is currently a vacant portion of a larger lot containing a single-family residence.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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E 146 <sup>th</sup> St N	Primary Arterial	120 Feet	4
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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	AG	N/A	N/A	Vacant
South	AG	N/A	N/A	Single-Family
East	AG	N/A	N/A	Vacant/Single-Family
West	AG	N/A	N/A	Vacant

**SECTION III: Relevant Zoning History**

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

**Subject Property:** No relevant history

**Surrounding Property:**

**CBOA-2178 October 2005:** The Board of Adjustment approved a variance of lot area from 2 acres to 1.08 acres; variance of land area from 2.1 acres to 1.08 acres; and a variance of average lot width from 150 feet to 142 feet, on property located south of the southwest corner of East 146<sup>th</sup> Street North and North Lewis Avenue.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **6-2-1** (Dix, Doctor, Fothergill, Ritchey, Shivel, Walker, “aye”; Fretz, Reeds, “nays”; Covey, “abstaining”; Krug, Millikin, “absent”) to **APPROVE** PUD-850 to permit a propane storage facility.

**Legal Description of PUD-850:**

PRT E/2 NE/4 BEG 60S & 50W NEC NE/4 TH S195 W281 N195 E281 POB SEC30 22 13 1.25ACS TULSA COUNTY, STATE OF OKLAHOMA.

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Mr. Covey stated items 7 and 8 will be presented together

7. **CZ-479 Erik Enyart** (County) Location: North of the Northeast corner of East 171<sup>st</sup> Street and South Elwood Avenue requesting rezoning from **AG to RE** (Related to PUD-851 & Elwood Crossing)

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-479**

**DEVELOPMENT CONCEPT:** Rezone from AG to RE to permit a single-family subdivision. A new Planned Unit Development, PUD-851, is also proposed to accompany this zoning request.

**DETAILED STAFF RECOMMENDATION:**

CZ-479 is non injurious to the existing proximate properties and;

CZ-479 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-479 to rezone property from AG to RE.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The City of Glenpool Comprehensive Plan Map designates this site as Estate Residential.*

**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: Elwood Ave is a secondary 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 is currently vacant agricultural land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Elwood Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer will be provided by an ODEQ approved septic system.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG	N/A	N/A	Vacant
South	AG	N/A	N/A	Vacant/Single-Family
East	AG	N/A	N/A	Single-Family
West	AG	N/A	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:*** No relevant history

***Surrounding Property:***

**CZ-387/PUD-745 October, 2007:** All concurred in **approval** of a request for *rezoning* a 80± acre tract of land from AG to RS, for single-family development, on property located west of southwest corner of East 171st Street South and South Lewis Avenue.

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

**INTERESTED PARTIES:**

**Matt Fritz** 1625 South Elwood Avenue, Tulsa, OK

Mr. Fritz stated his property is adjacent to the subject property. Mr. Fritz stated he is going to build a house on this property and have been researching the type of houses available for the past two years. Mr. Fritz stated he currently is a subdivision and wants to live in a more rural area. Mr. Fritz stated the proposed development could have up to 150 houses on 80 acres and there isn't a comparable development anywhere near this density within a mile and a half of the subject property. Mr. Fritz stated the character of the neighborhood would be severely impacted. Mr. Fritz stated everyone in this area has 5 or 10 acres and it is a country living establishment and not a neighborhood establishment. Mr. Fritz stated by approving this application it will destroy the opportunity for others to experience this same 5-acre experience. Mr. Fritz stated he is concerned about the notification process of 300 feet. He stated 300 feet in a rural setting does not make sense because he is probably the only owner that was notified at all. Mr. Fritz stated with he would like to request a square mile area be notified. He stated there was no signage on the property. He stated he received a letter and there was no information about the development. Mr. Fritz stated he was concerned about his property value because no one is going to buy his property with a neighborhood that close. Mr. Fritz stated there is an oil pump on the subject property and Mr. Fritz would like OERB to assess this and make sure it is capped properly because doesn't think developers have the skills or training to do this safely. Mr. Fritz stated not to say that 40 years of oil pumping could have already contaminated the land. Mr. Fritz stated why is this needed if you go a half a mile there is Glendale Acres and they have 1 acre lots for sale and that neighborhood has been there several years and they still have lots for sale. Mr. Fritz stated if someone is looking for that half acre lot experience there are plenty of other options in the area. Mr. Fritz stated he doesn't have a house there today but that is his goal soon.

Mr. Dix stated to the applicant that the RE the applicant is asking for would have to be a minimum of a half-acre.

Mr. Fothergill asked if Mr. Fritz had seen the site plan.

Mr. Fritz stated "no"

Mr. Dix asked how large Mr. Fritz property was.



Mr. Fritz stated he has two 5-acre tracts. Mr. Fritz stated he would really like the community beyond 300 feet to be aware of this.

Mr. Dix stated that is what the Subdivision Regulations require.

Mr. Fritz stated when he was buying property he asked the real estate agent who owned the property next to them what were the plans for the surrounding property. Mr. Fritz stated the agent and the owners of the property indicated there was no intention to develop.

**Applicants Comments:**

The applicant stated several rural family subdivisions in the county have been presented recently to TMAPC and there is a real need for these subdivisions. The applicant stated he spoke with staff and had the option of coming in with RS zoning but that alarms too many people, so he asked for RE zoning and a PUD to limit the maximum number of lots. The applicant stated they are limiting the number of lots allowed with the RE zoning and asking for 115 lots that are half acre lots and are on aerobic systems, so they can't be smaller than half acre. Applicant stated the subject property is in the Glenpool Comprehensive Plan and the Glenpool City Planner supports this application. The applicant stated he doesn't want this development to be an eye sore or a burden to someone else he just wants the right to develop the property like anyone else. He stated he is aware of the unplugged abandoned oil well and has been in contact with a certified Oklahoma Corporation Commission plugger. It will be plugged and a clean certificate of non-development as part of the owner's paper will be provided to INCOG. The applicant stated he will give Mr. Fritz his card after the meeting, so Mr. Fritz and the applicant can stay in contact.

Mr. Reeds asked the applicant if it would be the owners responsibility to provide fencing along the perimeter and is there a fence standard provided as part of the PUD.

The applicant answered there is no fence standard in the PUD.

Mr. Ritchey asked the applicant if he had any thoughts as to why the lots in the nearby subdivision were not selling. Mr. Ritchey asked if the applicants lots were going to be different.

The applicant answered, he was not in the real estate business but what he is seeing is the lots are being absorbed in Springhill Farms and those were built when the economy was at its bottom. The applicant stated the developers that his company works for believe there is a need for this type of development.

Mr. Ritchey stated the applicant said he wanted the same right to build as everyone else has, which he has because he bought the lots zoned AG and he

has the right to do anything he wants that is allowed on an AG lot. Mr. Ritchey stated but the applicant is asking to change his zoning to RE. Mr. Ritchey stated Mr. Dix talks about spot zoning and there is nothing around the subject property zoned RE it's all AG so the applicant is asking TMAPC to make an exception so the applicant can do what he wants to do not what already exists in the area.

The applicant stated what he is asking for is what is consistent with the Comprehensive Plan that Glenpool and Tulsa County has set forth as to how they want to see this property developed. The applicant stated it's not commercial, it's not industrial it is single family residential low intensity. The applicant stated he is asking TMAPC to do what the City fathers have stated as to how they want to see it developed.

Mr. Fritz stated he just heard the applicant say no fencing and is concerned about children and pets around the ponds in the area.

**TMAPC Comments:**

Mr. Ritchey stated he understands the 300 feet notice rules but is no one else concerned about the rule when it comes to rural areas.

Ms. Miller stated that is the code requirement, but the internal policy is that the radius be increased until at least 15 property owners are identified.

Mr. Ritchey asked Ms. Miller if she was comfortable with saying at least 15 property owners were reached with this information.

Ms. Miller stated, "yes".

Mr. Covey asked if signs were posted on the subject property.

Ms. Miller stated "yes".

Mr. Fretz stated he is supporting staff recommendation because the City of Glenpool designates this site as Estate Residential.

Mr. Covey stated he agrees with Mr. Fretz, but he gets frustrated from a property standpoint through the sale process that there are not rules and regulations that require real estate agents to disclose road plans or comprehensive plans the property falls under and at closing have the property owners sign off saying they were notified.

Mr. Dix stated realtors have the responsibility to disclose anything they know of that is a filed and pending plan. Mr. Dix stated he doesn't think road plans fall within that responsibility.

Mr. Reeds stated in the Preservation District a lot of home buyers would state they didn't know they were in a Historic Overlay District and now if the property is in the Historic Overlay District it is noted on the title by the County. Mr. Reeds stated it took 3 years to get that noted on the title and he doesn't see why the other things Mr. Covey suggested could not also be listed on the title.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-1-0** (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Shivel, Walker, "aye"; Ritchey, "nays"; none "abstaining"; Krug, Millikin, "absent") to **APPROVE** CZ-479 rezoning from AG to RE per staff recommendation.

**Legal Description of CZ-479:**

A TRACT OF LAND THAT IS THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, TULSA COUNTY, OKLAHOMA.

SAID TRACT CONTAINS 3,495,437 SQUARE FEET OR 80.244 ACRES

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8. **PUD-851 Erik Enyart** (County) Location: North of the Northeast corner of East 171<sup>st</sup> Street and South Elwood Avenue requesting **PUD** to permit a residential subdivision (related to CZ-479 & Elwood Crossing)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-851**

**DEVELOPMENT CONCEPT:** Rezone from AG to RE/PUD-851 to permit a single-family subdivision, Elwood Crossing. The development is intended to follow the recommendations of the RE district, with the exceptions noted in the proposed Development Standards of the PUD.

**DETAILED STAFF RECOMMENDATION:**

PUD-851 is non injurious to the existing proximate properties and;

PUD-851 is consistent with the anticipated future development pattern of the surrounding property;

PUD-851 is consistent with the PUD chapter of the Tulsa County Zoning Code, therefore;

**Staff recommends Approval of case PUD-851 to rezone property from AG to RE/PUD-851.**

**DEVELOPMENT STANDARDS:**

<b>Project Gross Land Area:</b>	3,495,437 SF	80.244 AC
<b>Permitted Uses:</b> Uses permitted as a matter of right in RE zoning district in the Tulsa County Zoning Code including, but not necessarily limited to: detached single-family dwellings, landscaped features, reserve areas, neighborhood recreational facilities, and uses customarily accessory to permitted uses.		
<b>Maximum Number of Lots:</b>	115 Lots	
<b>Minimum Lot Width:</b>	120 FT	
<b>Minimum Lot Size:</b>	21,780 SF (1/2 acre)	
<b>Minimum Land Area per Dwelling Unit:</b>	24,780 SF	
<b>Minimum Livability Space per Dwelling Unit:</b>	12,000 SF *	
<b>Maximum Building Height:</b>	35 FT **	
<b>Off-street Parking:</b>	Minimum two (2) enclosed off-street parking spaces required per dwelling unit.	
<b>Minimum Yard Setbacks</b>		
Front Yard:	35 FT	
Rear Yard:	25 FT	
Side Yard:	10 FT & 10 FT	

\* *Livability space may be located on a lot or contained within common open space of the development, as per Section 1140.3 of the Tulsa County Zoning Code.*

\*\* *Architectural features such as chimneys and cupolas may extend to a maximum height of 45 feet, however, no habitable portion of any dwelling shall exceed the 35' limitation.*

**STREETS:** Streets within this PUD, whether public or private, shall be constructed to Tulsa County standards for minor residential streets. Streets may be designed with borrow ditches or curbs and gutters as per design standards approved by Tulsa County. Divided, boulevard-style entrances may be constructed, provided any median landscaping and other entry features shall be maintained by the mandatory homeowners' association.

**ACCESSORY BUILDINGS:** Detached accessory buildings shall be permitted subject to Tulsa County Zoning Code regulations and private restrictions as may be imposed by restrictive covenants or other private deed restrictions filed of record by separate instrument.

**SIGNS:** Subdivision entrance signs shall be permitted at each entrance and/or street frontage and shall comply with the accessory use regulations for signage of the Tulsa County Zoning Code. Signage serving residential neighborhood amenities, appropriate for purpose and neighborhood scale, shall be permitted within reserve areas containing neighborhood amenities. Signage shall otherwise comply with the Tulsa County Zoning Code.

**FENCING:** Fencing along South Elwood Avenue will be decorative in nature and consistent with a residential-estate single family subdivision. Fences along the subdivision perimeters, reserve areas, and individual home sites shall comply with fence requirements of the Tulsa County Zoning Code.

## **V. GENERAL PROVISIONS**

**A. ACCESS AND CIRCULATION:** Elwood Crossing is conceptually planned with two (2) points of access: South Elwood Avenue and East 167<sup>th</sup> Street South. The Exhibit B "Conceptual Site Plan" reflects points of access and the conceptual layout for internal streets and pedestrian walking trails.

Limits of No Access (LNA) will be imposed by the future plat along the South Elwood Avenue, except at the approved street intersections.

**B. DRAINAGE AND UTILITIES:** The majority of the site drains southerly to an upstream tributary of Duck Creek.

An internal stormwater collection system will be designed and constructed to Tulsa County standards. Conceptual drainage design can be inferred on the Exhibit B "Conceptual Site Plan," including onsite stormwater detention ponds,

which will be located within reserve areas to be maintained by the mandatory homeowners' association. Stormwater drainage and detention plans will be prepared and submitted to Tulsa County for review and approval during the engineering process.

Public water is available to the site by 6" Creek County Rural Water District #2 waterlines along Elwood Ave and E. 167<sup>th</sup> St. S. Water service and fire hydrant locations will be coordinated with Creek County Rural Water District # 2 and the fire protection agency having jurisdiction.

Public sanitary sewer is not available to the site. Therefore, sewerage will be provided by individual onsite sewage disposal systems approved by the Oklahoma Department of Environmental Quality. The restrictive covenants of the subdivision plat or other such restrictions filed of record by separate instrument may require the maintenance by each lot owner of the individual onsite sewage disposal system according to ODEQ requirements. The covenants may reserve to the developer the right to designate an approved third-party contractor with experience in installing/maintaining individual onsite sewage disposal systems for the purpose of performing regular maintenance and monitoring functions of all such systems within the subdivision, and to provide that the fees for such services may be satisfied through homeowners' association dues or regular or special assessments imposed upon each lot.

Electric and communications services are available onsite or by extension. Natural gas will be provided if available.

Existing and proposed utilities are shown on Exhibit C of this PUD.

**C. ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY:** The site is moderately sloped and drains to the south, ultimately to Duck Creek.

As represented on Exhibit E "FEMA Floodplain Map," the entire site is located within Unshaded Zone X – outside of the 500-year (0.2% Annual Chance) Floodplain.

The USDA Soil Survey of Tulsa County, Oklahoma was used to help identify soils types and possible constraints to development. Existing soils on the subject property primarily consist of Okemah silt loam, 0-1% slopes, and Dennis silt loam, 1-5% slopes. Development constraints associated with these soils will be addressed in the engineering design phase of the project and, if required, a

geotechnical report will be performed to recommend paving sections and subgrade design. Soils and topography are shown on Exhibit D “Existing Topography & Soils” of this PUD.

**D. ZONING AND LAND USE:** This property is currently zoned AG Agriculture District and is currently vacant. It has been used agriculturally.

To facilitate this PUD, a companion application is being filed (CZ-479) to rezone the site to RE Residential Single-Family, Estate District. Existing zoning is shown on Exhibit F, and proposed zoning is shown on Exhibit G. Site and surrounding area land uses are depicted on Exhibit A “Aerial Photography & Boundary Depiction.”

**E. SITE PLAN REVIEW:** No building permit for a residence within Elwood Crossing shall be issued until a subdivision plat has been approved by the Tulsa Metropolitan Area Planning Commission as being in compliance with the Planned Unit Development concept and development standards. The plat will also serve as the site plan for all residential lots contained within the plat and must be filed of record with the Tulsa County Clerk.

**F. PHASE DEVELOPMENT:** Based on market demand, Elwood Crossing will be developed in phases. Coordination with Tulsa County will be maintained in order to provide adequate traffic circulation and utility service.

**G. SCHEDULE OF DEVELOPMENT:** Initial construction is anticipated to commence once the PUD, engineering design, and subdivision plat have been approved by Tulsa County.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The City of Glenpool Comprehensive Plan Map designates this site as Estate Residential.*

### 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:* Elwood Ave is a secondary 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 is currently vacant agricultural land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Elwood Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer will be provided by an ODEQ approved septic system.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG	N/A	N/A	Vacant
South	AG	N/A	N/A	Vacant/Single-Family
East	AG	N/A	N/A	Single-Family
West	AG	N/A	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:** No relevant history

**Surrounding Property:**

**CZ-387/PUD-745 October, 2007:** All concurred in **approval** of a request for *rezoning* a 80± acre tract of land from AG to RS, for single-family development, on property located west of southwest corner of East 171st Street South and South Lewis Avenue.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-1-0** (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Shivel, Walker, “aye”; Ritchey, “nays”; none “abstaining”; Krug, Millikin, “absent”) to **APPROVE** PUD-851 per staff recommendation.

**Legal Description of PUD-851:**

A TRACT OF LAND THAT IS THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2 SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, TULSA COUNTY, OKLAHOMA.

SAID TRACT CONTAINS 3,495,437 SQUARE FEET OR 80.244 ACRES

\*\*\*\*\*

9. **Elwood Crossing** (County) Preliminary Plat, Location: North of the Northeast corner of East 171<sup>st</sup> Street and South Elwood Avenue (related to CZ-479 & PUD-851)

**STAFF RECOMMENDATION:**

North of the northeast corner of East 171<sup>st</sup> Street South and South Elwood Avenue

This plat consists of 99 lots, 16 blocks on 80.244 ± acres and would be implemented in two phases as illustrated on the preliminary plat.

The Technical Advisory Committee (TAC) met on October 4, 2018 and provided the following conditions:

1. **Zoning:** The property is currently zoned AG (Agriculture). A concurrent rezoning (CZ-479) and planned unit development (PUD-851) application have been filed and are required to be approved and effective prior to approval of the final plat.
2. **Addressing:** Property is located within the unincorporated limits of Tulsa County. Addresses and street names to be assigned by INCOG and must be affixed to the face of the final plat.
3. **Transportation & Traffic:** Connection to East 167<sup>th</sup> Street South will require improvement of existing street and turnaround to align with new subdivision streets.
4. **Sewer:** ODEQ approval required for proposed on-site sewage disposal.
5. **Water:** Water is to be provided by Creek County Rural Water District #2 and a main line extension is required to serve the project. Water line plans must be approved and a release must be provided by the rural water district prior to approval of the final plat.
6. **Engineering Graphics:** Graphically show all property pins found/set that are associated with this plat.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Tulsa County drainage standards apply to this site. Tulsa County Engineering must release final plat prior to approval.
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.**

**INTERESTED PARTIES:**

Mr. Fritz stated he has already stated about the safety issues with the fencing and the pond. He said he also has an issue with the dirt and debris he will be subjected to while this process takes place. Mr. Fritz stated this plat does not conform to the expectations of the neighborhood. Mr. Fritz stated if these were 2.5 acre lots or 5 acre lots he would not be here speaking with Planning Commission.

**Applicant’s Comments:**

The applicant stated they meet all the subdivision regulations and ask Planning Commission to approve the Preliminary plat as submitted.

**TMAPC COMMENTS:**

Mr. Doctor asked if there were fencing or screening requirements for a subdivision per the Tulsa County Subdivision Regulations?

Staff answered any screening requirements would be mandated by the Zoning Code and it doesn’t require screening between AG and residential property. Staff stated, the PUD didn’t have a requirement for perimeter screening. A PUD would have been the place to include those requirements.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-1-0** (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Shivel, Walker, “aye”; Ritchey, “nays”; none “abstaining”; Krug, Millikin, “absent”) to **APPROVE** Elwood Crossing Preliminary Plat per staff recommendation.

**OTHER BUSINESS**

10. Proposed 2019 TMAPC Meeting Dates

**Proposed  
2019 SCHEDULE**

**Tulsa Metropolitan Area Planning  
Commission (TMAPC)**

JANUARY		FEBRUARY		MARCH	
	2 <sup>nd</sup>		6 <sup>th</sup>		6 <sup>th</sup>
	16 <sup>th</sup>		20 <sup>th</sup>		20 <sup>th</sup>
APRIL		MAY		JUNE	
	3 <sup>rd</sup>		1 <sup>st</sup>		5 <sup>th</sup>
	17 <sup>th</sup>		15 <sup>th</sup>		19 <sup>th</sup>

JULY	AUGUST	SEPTEMBER
3 <sup>rd</sup>	7 <sup>th</sup>	4 <sup>th</sup>
17 <sup>th</sup>	21 <sup>st</sup>	18 <sup>th</sup>
OCTOBER	NOVEMBER	DECEMBER
2 <sup>nd</sup>	6 <sup>th</sup>	4 <sup>th</sup>
16 <sup>th</sup>	20 <sup>th</sup>	18 <sup>th</sup>

Regular meetings of the TMAPC are held on the first and third Wednesday of each month at 1:30 p.m. in the One Technology Center, 175 E. 2<sup>nd</sup> Street, City Council Chambers, 2<sup>nd</sup> Level, Tulsa, Oklahoma.

\*\*Work sessions of the TMAPC are held, as necessary, either prior to or following regular TMAPC business in the One Technology Center, 175 E. 2<sup>nd</sup> Street, in a room location to be announced at the time an agenda is posted.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Krug, Millikin, “absent”) to **APPROVE** the proposed 2019 TMAPC meeting dates per staff recommendation.

**11. Commissioners' Comments**

Mr. Ritchey stated he would like Commissioners to generally ask themselves how many interested parties would need to show up to speak to change the boards mind. He feels this is a hypocritical board because we have had similar cases where it was much denser, and the board voted not to allow the change. Mr. Ritchey was surprised that he was the only person voting against the last case. He stated he respects the Board members but that felt strange and wonders what kind of involvement from the community would need to be seen before the vote would have been different.

Mr. Reeds would like to thank staff for amending the Walkability Study and would like to say he really is in support of the study and feels it’s a great step in the right direction for making the City better.

\*\*\*\*\*

**ADJOURN**

**MAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Krug, Millikin, "absent") to **ADJOURN** TMAPC meeting 2780.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 2:47 p.m.

Date Approved:

11-07-2018

  
Chairman

ATTEST:

  
Secretary