

**Special Meeting of  
TULSA METROPOLITAN AREA PLANNING COMMISSION  
Minutes of Meeting No. 2782**

Monday, November 19, 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	Doctor	Chapman	Ling, COT
Dix	Fretz	Foster	VanValkenburgh, Legal
Fothergill		Miller	
Krug		Sawyer	
Millikin		Wilkerson	
Reeds			
Ritchey			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday November 14, 2018 at 8:10 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

**REPORTS:**

**Chairman’s Report: None**

**Director’s Report:**

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

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**CONSENT AGENDA**

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

1. **Addison Creek** (CD 8) Final Plat, Location: North of the northwest corner of East 131<sup>st</sup> Street South and South Sheridan Road
2. **Cottages at Addison Creek** (CD 8) Final Plat, Location: North of the northwest corner of East 131<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, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fretz, "absent") to **APPROVE** Items 1 and 2 per staff recommendation.

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

**PUBLIC HEARINGS:**

Items 3 and 4 were presented together.

3. **Z-7460 Randy Branstetter** (CD 2) Location: North of the northeast corner of West 91<sup>st</sup> Street South and South Maybelle Avenue requesting rezoning from **AG to RS-1 with optional development plan** (Related to The Estates at Tulsa Hills) (Continued from November 7, 2018)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7460**

**APPLICANTS DEVELOPMENT CONCEPT:**

The Estates at Tulsa Hills is a proposed residential development submitted as an Optional Development Plan with underlying zoning of RS-1, pursuant to the provisions of the Tulsa Zoning Code. The site consists of approximately 40.4 acres located East of South Maybelle Avenue in between the blocks of 86<sup>th</sup> St S and 89<sup>th</sup> St S. The site is bounded on the north by agricultural land with cattle still being kept along with a private cemetery, on the west by Winchester Park Residential subdivision, on the South by several multiple acreage agricultural tracts (also with cattle) and on The East by a severe slope down to FEMA floodplain land. The development has

approximately 1326 feet of frontage on the Right of Way for Maybelle Avenue.

The site has tree cover over approximately seventy five percent of the property and is characterized by rolling terrain. An existing pond accepts overland drainage from the West of the site and from the North of the site then drains to the South thru several agricultural acreages with ponds then eventually draining into Hagar Creek, which is a major drainageway, located to the East & Southeast of the site. Within the proposed development a new wet detention pond is proposed on the South border of the property to meet City of Tulsa stormwater control requirements and to maintain some of the natural beauty of the existing site.

The proposed, The Estates at Tulsa Hills optional development plan would allow for a maximum of 43 single-family detached homes on an average lot size of almost three quarters of an acre. The Estates at Tulsa Hills will be a private gated neighborhood. The main access point will be derived from an entrance on South Maybelle Avenue. The subdivision will consist of a private street system located within a dedicated reserve area and utility easement. An emergency access point will be located at the southern portion of the subdivision with direct access to Maybelle Avenue. The private street system will flow through the development allowing the street system to take advantage of the site's natural physical characteristics. This will afford several the project homesites visual and pedestrian access to the adjacent wooded reserve areas located thru the middle of the project site.

Additionally, this project will extend Maybelle Avenue, South from its existing ending point about 86<sup>th</sup> St South all the way to connect to 91<sup>ST</sup> Street.

The Development Concept is designed to enable the creation of a residential development which will create harmony and continuity within the project itself. In addition, The Estates at Tulsa Hills is surrounded by a significant amount of native open space and floodplain, therefore enhancing the marketability and desirability of the homes within the subdivision.

A Homeowners' Association is to be established at The Estates at Tulsa Hills, whose responsibilities will include the maintenance of the landscaped entries, private streets, perimeter fencing, and any common areas.

## **SECTION II: Optional Development Plan Standards:**

### GENERAL PROVISIONS:

1. All uses, supplemental regulations, residential building types, lot and building regulations, and other relevant regulations shall conform with the provision of the Tulsa Zoning Code for development in an RS-1 zoning district.
2. The entire optional development plan may be served by private streets with a maximum land area of 40.4 +/- acres as defined in the legal description.

### PRIVATE STREETS AND MAINTENANCE OBLIGATIONS FOR COMMON AREAS AND IMPROVEMENTS:

1. All lots within the subdivision shall include direct vehicular access to either a public street or a private street. All private streets shall be in a reserve area as defined on the face of the final plat.
2. All operations and maintenance responsibilities for improvements in reserve areas shall be assigned to a Home Owners Association. The reserve area language in the plat shall include provisions that provide common use and benefit of the owners of the residential lots, their guest and invitees for providing vehicular and pedestrian access to and from the various residential lots and to and from public streets.
3. Provisions shall be made to allow access to the City of Tulsa, the United States Postal Service, private parcel delivery services, public utility providing service to the subdivision and to any refuse collection service which provides service within the subdivision the right to enter and traverse the private street and to operate thereon all service, emergency and allow government vehicles including, but not limited to, police and fire vehicles and equipment.
- ~~4. Provisions through a mutual access agreement or similar provision shall be made to permit access for vehicular and pedestrian connectivity to allow abutting property owners, their guest and invitees, access from and to properties abutting the east boundary of The Estates at Tulsa Hills. This provision is only intended to provide access for property west of the Hager Creek floodplain.~~
5. Private streets and sidewalks abutting private streets shall be constructed to meet or exceed the City of Tulsa Engineering standards for minor residential streets and must satisfy the provisions of the Tulsa Metropolitan Area Subdivision and Development Regulations.

6. Private streets intersecting with public streets must have a vehicular turn around area before any entrance gate that allows a complete turnaround completely outside the street right of way of the intersecting public streets. Gate designs, security systems and access controls must be reviewed and approved by the technical advisory committee before installation.
7. Street improvements to South Maybelle Avenue meeting or exceeding the minimum standards of a residential collector street including its required sidewalks shall be completed from the current end of pavement on South Maybelle Avenue to 91<sup>st</sup> prior to issuing residential building permits.

#### PLATTING REQUIRMENT:

A final plat meeting or exceeding the minimum standards of the City of Tulsa shall be filed at the Tulsa County Courthouse prior to receipt of any residential building permit.

#### **DETAILED STAFF RECOMMENDATION:**

Z-7460 requesting RS-1 zoning is consistent with the new neighborhood land use designation of the Tulsa Comprehensive Plan and,

RS-1 zoning is consistent with the West Highlands small area plan desire for large lot development at this location and,

Staff supports single family residential development and intensities as requested by Z-7460 however the street network that is shown on the conceptual plan will not allow future connectivity North, East or South of this site as recommended by the comprehensive plan and,

RS-1 zoning is consistent with the expected development pattern in the area therefore,

Staff recommends **Approval** of Z-7460 as outlined in Section II above.

#### **SECTION III: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

*Land Use Plan map designation: New Neighborhood*

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

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* Extension of South Maybell from the south west corner of the site to South 91<sup>st</sup> Street has been required as part of the IDP plan process.

*Trail System Master Plan Considerations:* None

Small Area Plan: West Highlands Small Area Plan

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

The West Highlands Small Area Plan recognizes this area as a New Neighborhood.

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

One of the goals identified in the small area plan recommends the extension of South Maybelle Avenue from 81<sup>st</sup> to 91<sup>st</sup> as private development occurs.

Special District Considerations:

The Federal Aviation Administration will require language on the face of the plat to inform property owners that Jones/Riverside airport is near the area and they will be affected by the airport operations.

Historic Preservation Overlay: none

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is partially wooded with a mix of steep terrain and some grass pasture areas. The western third of the site is bisected by an intermittent creek that has existing ponds.*

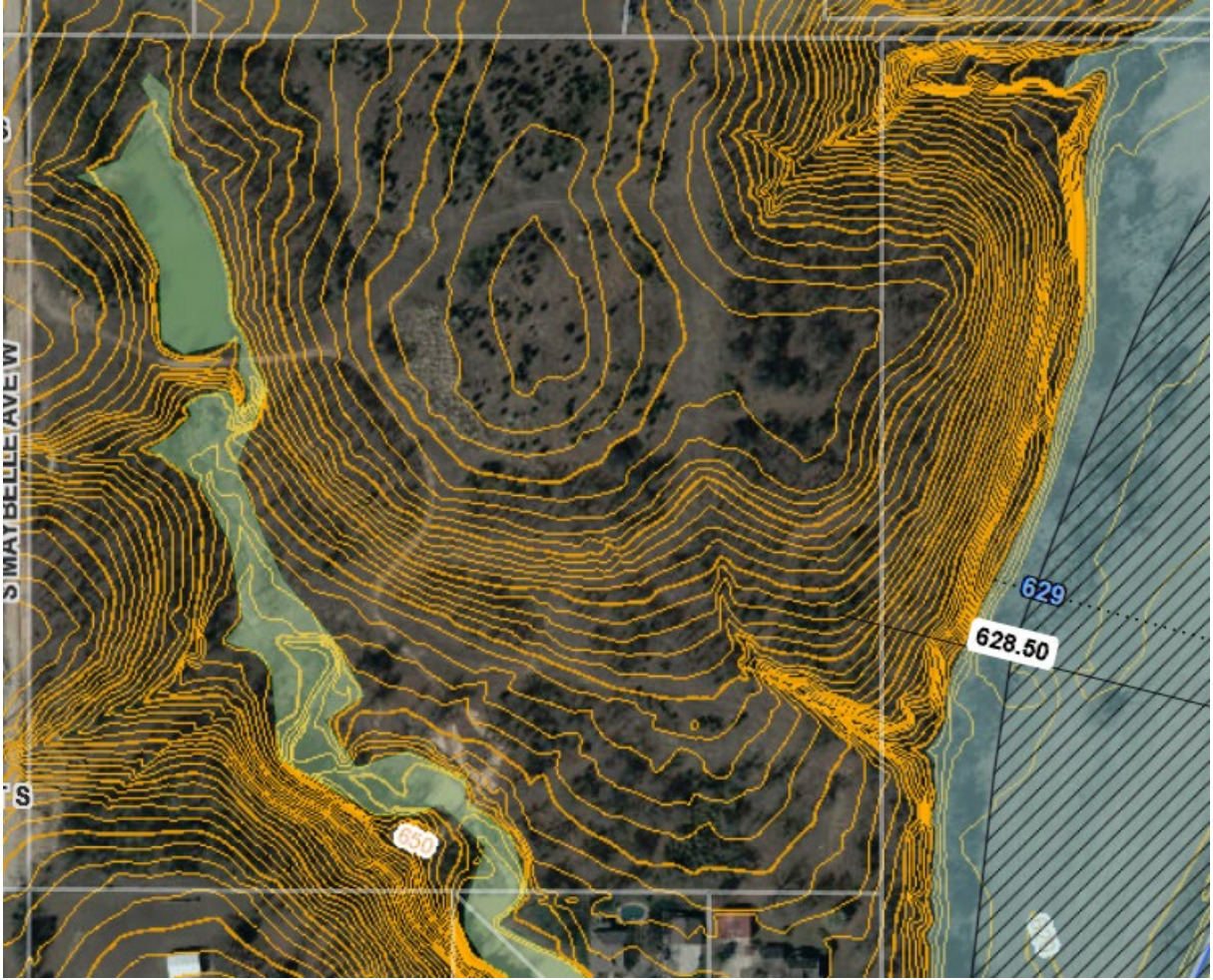
Environmental Considerations:

The flood plain area is a City of Tulsa Regulatory floodplain. The site is not affected by FEMA floodplain regulations. The terrain and floodplain area will impact building and street placement along with special considerations for utility locations. The abutting properties on the north are accessed by private driveway agreements.

The property east has a small developable area above the floodplain that can only be accessed from West 91<sup>st</sup> approximately 1/2 mile south of the northeast corner of the boundary of this property. Access to that parcel is through a flood plain and flood way.

South of the south east corner of the site two homes have been constructed. Access to those homes is provided by a private drive through a FEMA flood plain. Vehicular access to those lots would be blocked during extreme flood events. Some alternative access to those homes should be a consideration as part of this project.

FLOODPLAIN MAP WITH TOPOGRAPHIC INFORMATION:



Streets:

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

Utilities:

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

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	New Neighborhood	Growth	Single Family home
East	AG	Park and Open Space	Stability	Undeveloped
South	AG	New Neighborhood	Growth	Undeveloped
West	CO with single family residential and RS-3	New Neighborhood	Stability and Growth	Single Family residential and single family residential subdivision in the construction phase.

#### **SECTION IV: Relevant Zoning History**

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

**Subject Property:** No relevant history

#### **Surrounding Property:**

**Z-7439 June 2018:** All concurred in **approval** of a request for *rezoning* a 37.56± acre tract of land from RS-3 to RS-4 with an Optional Development Plan for a single-family residential subdivision on property located north of the northwest corner of West 91<sup>st</sup> Street South and West 91<sup>st</sup> Street South.

**Z-7397 August 2017:** All concurred in **approval** of a request for *rezoning* a 78± acre tract of land from AG/IL to AG/CG with an Optional Development Plan for office and commercial use on property located on the northwest corner of West 91<sup>st</sup> Street South and South Elwood Avenue.

**Z-7377 April 2017:** All concurred in **approval** of a request for *rezoning* a 3.39± acre tract of land from AG to RS-2 on property located south of the southeast corner of South Maybelle Avenue and West 81<sup>st</sup> Street South, abuts the subject property on the north.

**Z-7259 April 2014:** All concurred in **approval** of a request for *rezoning* a 48.5± acre tract of land from AG to RS-3 on property located north of the northwest corner of West 91<sup>st</sup> Street South and West 91<sup>st</sup> Street South.

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

**Z-7140/ Z-7140-SP-1 December 2009:** All concurred in **approval** of a request for *rezoning* a 41± acre tract of land from AG to CO and a Corridor Site Plan for residential use, garden and patio homes, on property located south of southwest corner of South Maybelle Avenue and West 81<sup>st</sup> Street and abutting south of subject property. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81<sup>st</sup> Street, on property located north of the northwest corner of West 91<sup>st</sup> Street South and South Maybelle Avenue.

**TMAPC COMMENTS:**

Mr. Covey stated when this application was presented at the last meeting it was voted on and approved without the connectivity and then the adjacent property owner came forward and stated that he would like the connectivity. In addition, the connection for the sewer system was on the neighbor's property. The adjacent neighbor stated if he wasn't going to get connectivity then why should he allow the applicant to connect to the sewer system. Mr. Covey stated at that point the applicant had left and so it was continued to this meeting.

Mr. Dix stated he was the one that asked for the continuance because he felt the adjacent property had an unfair advantage over the applicant because the applicant had left the meeting and was not present to hear the comments of the adjacent property owner.

Staff stated their recommendation is to approve with strikethrough of item 4 under PRIVATE STREETS AND MAINTENANCE OBLIGATIONS FOR COMMON AREAS AND IMPROVEMENTS: in the staff report.

**Applicant's Comments:**

The applicant stated he visited with staff and if development was ever done to the east the applicant would agree to an emergency access easement to that property. The applicant stated he is still against any actual street or access except for the emergency access. The applicant stated the requirement for connectivity in the Comprehensive Plan was met by connecting Maybelle Avenue to 91<sup>st</sup> Street. He stated he has offered the neighbor to the east 150,000 dollars to purchase the 7 acres to use as a reserve or buffer. The applicant stated there is a fully designed lift station for sewer on the subject property. He stated if he can't get the easement to the east or a lift station to the west.

Mr. Dix stated the City stated in the staff report that they weren't going to allow a lift station. He stated the staff report states mainline extension is required. Mr. Dix

stated the purpose of continuing this at the last meeting was for the applicant to speak to the neighbor to the east and work out a way to get sewer to the property.

The applicant stated the City forced him to extend Maybelle Avenue to 91<sup>st</sup> Street and in his opinion if the City is forcing him to gravity drain to the east then the City should have the easement taken care of by the other owner.

Mr. Dix stated if this passes it then becomes a permit issue.

**INTERESTED PARTIES:**

**Tony Isler** 640 West 79<sup>th</sup> Street, Tulsa, OK 74132

Mr. Isler stated he is the property owner to the east. Mr. Isler stated item 4 on page 3.3 of the staff report was still in the application and protected his property. Mr. Isler stated there is 7.5 acres that is not in FEMA floodplain and it is severely sloped, but it can support 4 or 5 lots. Mr. Isler stated he plans to develop those lots. Mr. Isler stated he offered to sell this property to the applicant when he first purchased it, but they didn't like the price. Mr. Isler stated he also offered to swap easements but that was not acceptable either so as years have gone by things have just sat and last night he got a text message from the owner of the property but have not had a chance to speak with him yet. Mr. Isler stated he would like to see item 4 on page 3.3 stay in the staff recommendation but would prefer it to say mutual access easement versus mutual access agreement. Mr. Isler stated he believes the conceptual plat was designed several years ago and he believes he and the applicant can come to an agreement. Mr. Isler stated the developers of Winchester Park contacted him several years ago about gaining easement access and Mr. Isler told them the applicant needed to connect to Mr. Isler's property and then Winchester Park needed to connect to the applicant's property. But nothing has been worked out currently.

Mr. Dix stated if Planning Commission takes out item 4 on 3.3 eliminating the requirement for mutual access to the property to the east this takes away Mr. Isler's bargaining chip and he now must negotiate with the property to the west using the sewer easement to get the mutual access. Mr. Dix stated if item 4 was left in the report Mr. Isler would hold the easement over his head and if taken out there would be an equal bargaining tool.

Mr. Isler stated getting access to the top of the hill is going to be easier if item 4 is left in the report.

Mr. Covey stated to staff that when sanitary sewer was constructed in his neighborhood by City of Tulsa his connection was 2 lots over and he didn't have to get an easement or pay any money the City dictated that this is what is going to happen. The residents can connect now or once it is done you will have to negotiate with the other land owners. Is any of that applicable in this situation?

Staff stated he didn't know what Mr. Coveys situation was, but typically there must be a sanitary sewer constructed to serve the subdivision or it must be designed in a way that lots are large enough for a private septic system onsite. In Tulsa most of the time when a septic system is put in place for subdivision each lot can have a septic system that the city requires a dryline for future infrastructure. Staff stated there is a lift station being built downstream and the whole point to that was to serve some of the property in this area, but staff doesn't know the details of why there is not an easement. Staff stated whether there is or isn't an easement that is outside Planning Commission's decision.

Mr. Covey stated this is a subdivision with private streets, is the City going to assist the developer with getting access to the sewer or is the City going to say they require access but it's the applicants job to acquire.

Staff answered most of the time the City looks at it and says you guys go figure it out.

Mr. Fothergill stated you defines an emergency easement and how do you activate an emergency easement. Mr. Fothergill asked if that was in city regulations.

Staff answered in many subdivisions in the City of Tulsa and Tulsa County if there is not a second point of ingress/egress there are provisions made in the plat or by separate document that provides a definition of where an access easement can be. Then it's a matter of working with the fire department to make sure the standards are met.

Mr. Fothergill asked who designates an emergency access easement.

Staff stated this is done at the plat level. It can be left open until the final plat and then a location should be shown.

Mr. Reeds stated he thought one of the main intents of the new Subdivision Regulations was to avoid gated communities because of the lack of connectivity. Mr. Reeds stated he understands when you gate a community you create private streets; can you create private streets without gates?

Staff answered you can, but the practical answer is why would you? Staff stated the definition of a private street is more centered around who maintains that street and not whether it is gated. But if its gated it must be private.

Mr. Reeds asked with the new Subdivision Regulations why would staff recommend gated communities.

Staff stated he thinks in rare instances where development has happened around the subject property and it's not likely that connectivity to the abutting property owners is going to be an issue that it makes sense at this location for a 40-acre gated community.

Mr. Reeds asked if its geographic.

Staff answered many times.

Mr. Walker asked staff what he thought the solution to the standoff was in this case.

Staff answered at this point he thinks the Planning Commission's decision is do you want to see a gated street here or should it be a public street connecting properties in this area. So, the question is do you support a private street gated subdivision or a public street.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **5-4-0** (Covey, Dix, Fothergill, Millikin, Shivel, "aye"; Krug, Reeds, Ritchey, Walker, "nays"; none "abstaining"; Doctor, Fretz, "absent") to **APPROVE** Z-7460 rezoning with optional development plan removing item 4 on page 3.3 of the staff report from AG to RS-1 per staff recommendation.

**Legal Description of Z-7460:**

NW SE SEC 14 18 12 40ACS, City of Tulsa, Tulsa County, State of Oklahoma

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4. **The Estates at Tulsa Hills** (CD 2) Preliminary Plat, Location: North of the northeast corner of West 91<sup>st</sup> Street South and South Maybelle Avenue (Related to Z-7460) (Continued from November 7, 2018)

**STAFF RECOMMENDATION:**

North of the northeast corner of West 91<sup>st</sup> Street South and South Maybelle Avenue

This plat consists of 39 lots, 3 blocks on 40.457 ± acres.

The Technical Advisory Committee (TAC) met on October 18<sup>th</sup>, 2018 and provided the following conditions:

1. **Zoning:** The property is currently zoned AG (Agriculture). Rezoning is being requested under (Z-7460) with an optional development plan to permit the use of private streets in the subdivision. The rezoning request must be approved and effective prior to the approval of a final plat.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat.
3. **Transportation & Traffic:** Subdivision & Development Regulations require call boxes to be located 60 feet from the curb line of the public street from which the private street is accessed. Vehicle turn-around is required before the entrance gate that allows passenger vehicles to complete a turn-around completely outside of the right-of-way of the intersecting public street. ~~Property to the south and east are isolated by floodplain and may need emergency access through the subdivision. Staff recommends extending reserves to the edge of the subdivision to serve as a possible future connection or providing additional access easements.~~ As a requirement of this project, South Maybelle Avenue is required to connect to West 91<sup>st</sup> Street. IDP for both the Maybelle project and the site must be approved prior to approval of final plat. Limits of No Access must be provided along South Maybelle Avenue. Provide width of Maybelle right-of-way and include filing information.
4. **Sewer/Water:** Main line extensions are required to serve the subdivision. Easements must align with approved IDP plans.
6. **Engineering Graphics:** Submit subdivision control data sheet with the final plat submittal. Add "City of Tulsa" to the plat subtitle before Tulsa County. Ensure accuracy of point of beginning and point of commencement and correct spelling. Provide information for surveyor and engineer on the face of the plat including name, address, phone, email address, and CA number with renewal date. Update location map to reflect only platted property boundaries and label all other property as unplatted.
7. **Stormwater, Drainage, & Floodplain:** All drainage structures must be contained within easements. Overland drainage easements are required for any outflow to offsite areas. Covenant language must include HOA maintenance of all drainage easements as well as Reserve C.
8. **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 all other requirements of the Subdivision and Development Regulations.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **6-3-0** (Covey, Dix, Fothergill, Millikin, Reeds, Shivel, “aye”; Krug, Ritchey, Walker, “nays”; none “abstaining”; Doctor, Fretz, “absent”) to **APPROVE** The Estates at Tulsa Hills Preliminary Plat removing the sentences **Property to the south and east are isolated by floodplain and may need emergency access through the subdivision. Staff recommends extending reserves to the edge of the subdivision to serve as a possible future connection or providing additional access easements** from item 3 per staff recommendation.

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5. **Stratford Ridge** (CD 6) Preliminary Plat, Location: East of the southeast corner of East 11<sup>th</sup> Street South and South 161<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

**Stratford Ridge** - (CD 6)

East of the southeast corner of East 11<sup>th</sup> Street South and South 161<sup>st</sup> East Avenue

This plat consists of 175 lots, 12 blocks, and 1 reserve area on 31.5 ± acres. The subdivision will be completed in two phases as denoted on the face of the preliminary plat.

The Technical Advisory Committee (TAC) met on November 1, 2018 and provided the following conditions:

1. **Zoning:** All property included in the subdivision is zoned RS-3 with an overlay of PUD-737. The proposed lots conform to the requirements of the PUD. The PUD number must be included on the face of the plat and approved development standards must be filed with the final plat.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat. Provide address disclaimer on face of the final plat.
3. **Transportation & Traffic:** A stub street must be provided to the east to ensure connectivity to future development.
4. **Sewer:** Sewer main line extensions and improvements to the existing sanitary sewer lift station are required for service to the subdivision. IDP plans for the required extensions and improvements must be approved prior to the approval of a final plat. Additional easements are needed to cover proposed sanitary sewer lines. Provide requested easements with dimensions and type.
5. **Water:** Water main line extensions are required. IDP plans for proposed extensions must be approved prior to approval of the final plat.

6. **Engineering Graphics:** Submit subdivision control sheet with final plat. Update location map to reflect all platted property and label all other property as unplatted. Legal description must be updated to match boundary of plat.
7. **Stormwater, Drainage, & Floodplain:** Proposed detention pond required to be placed in appropriate easement.
8. **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 all other requirements of the Subdivision and Development Regulations.

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fretz, "absent") to **APPROVE** Stratford Ridge Preliminary Plat per staff recommendation.

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6. **QuikTrip No. 0085** (CD 3) Authorization for Accelerated Release of Building Permit, Location: Southwest corner of East Admiral Place and North Harvard Avenue

**STAFF RECOMMENDATION:**

Southwest corner of East Admiral Place North and North Harvard Avenue

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. A preliminary plat for the project was approved on January 17, 2018. Infrastructure Development Plans (IDP) have been approved by the City of Tulsa and the final plat was approved on October 30, 2018.

To receive final plat approval, the newly adopted Subdivision and Development Regulations require a performance guarantee to be secured by the applicant for



any remaining infrastructure required for the project. For this site, there was a delay in the approval of the final plat as the City worked to establish guidelines for those assurances. At this time, the final plat is awaiting approval by the Tulsa City Council and final signatures from the Council and the Mayor. All required assurances have been secured and provided to the City of Tulsa and final releases have been received from all utilities, as well as the City of Tulsa. The City Council's next meeting is not until November 28<sup>th</sup> and the site is ready for construction.

No objections were raised to the authorization of an accelerated release of a building permit.

Staff recommends **approval** of the accelerated release of a building permit with the following conditions:

1. No certificates of occupancy will be issued until the filing of the final plat.

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fretz, "absent") to **APPROVE** the accelerated release of a building permit per staff recommendation.

Mr. Walker left at 2:25 p.m. and returned at 2:27 p.m.

\* \* \* \* \*

7. **Z-7462 Crossover Community Impact** (CD 1) Location: West of the southwest corner of East 36<sup>th</sup> Street North and North Peoria Avenue requesting rezoning from CS to **MX2-F-65** and **MX2-V-65**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7462**

## **DEVELOPMENT CONCEPT:**

Provide a mixed-use community that provides an agent of change creating a community of choice. Crossover Community Impact will provide many opportunities to meet the real needs of our community in such a way that we see the community restored and made whole and as a result people will take pride in our community and desire to stay here.

## **DETAILED STAFF RECOMMENDATION:**

Z-7462 requesting MX2-F-65 and MX2-V-65 are both consistent with the Town Center Land Use Designation in the Tulsa comprehensive plan and,

MX2-F-65 and MX2-V-65 are both consistent with the Land Use recommendations and the goals identified in the 36<sup>th</sup> Street North small area plan and,

MX2-F-65 and MX2-V-65 do not conflict with the Healthy Neighborhood Overlay and,

MX2-F-65 and MX2-V-65 are consistent with the recommendations offered by the Bus Rapid Transit System study and,

MX2-F-65 and MX2-V-65 are consistent with the expected development pattern for the proximate properties and,

Uses and development standards defined by MX2-F-65 and MX2-V-65 are non-injurious to the surrounding property owners therefore

Staff recommends Approval of Z-7462 to rezone property from CS/ to MX2-F-65 and MX2-V-65.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: MX zoning is consistent with the town center and area of growth designations of the Tulsa comprehensive plan.*

### Land Use Vision:

*Land Use Plan map designation: Town Center*

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments,

condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* The site abuts the Osage Trail which is classified as a Bikeway and Multi-use trail on the west side of the site. Building placement, and orientation should not turn their back to the trail or place obstructions for access.

Small Area Plan: 36<sup>th</sup> Street North Small Area Plan (Amended 2016)

36<sup>th</sup> Street North small area plan recommendations include for land use priorities that are supported by this rezoning request.

Special District Considerations: This site is part of the Voluntary MX rezoning program for Peoria Avenue Bus Rapid Transit that was reauthorized by City Council in September 2018. The program expires in December 2019.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Undeveloped property except where the Crossover Health Services building is located at the northwest corner of the site adjacent to the existing trail.*

Environmental Considerations: None that affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 36 <sup>th</sup> Street North	Secondary Arterial	100 feet	4

Utilities:

The subject tract has municipal water and sewer available.

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	CH/RS-3/CS with HNO	Town Center	Growth	Church Commercial uses
East	CS with HNO	Town Center	Growth	Fire Department Convenience store and School
South	AG with HNO	New Neighborhood Park and Open Space	Growth and Stability	School and Hawthorne Park
West	RS-3/OL/CH with HNO	Main Street Existing Neighborhood	Growth and Stability	Undeveloped Detached single family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:**

Ordinance number 16606 dated June 3, 1986, established zoning for the subject property (a portion of Area B).

Ordinance number 14982 dated March 13, 1981, established zoning for the subject property (a portion of Area A).

Ordinance number 11918 dated September 1, 1970, established zoning for the subject property (a portion of Areas A and B).

***Subject Property:***

**SA-3 April 2018:** City Council **approved** the *Healthy Neighborhoods Overlay* on property located within the 36<sup>th</sup> Street North Small Area Plan, Unity Heritage Neighborhoods Sector Plan, and the Crutchfield Neighborhood Plan.

**Z-6098 June 1986:** All concurred in **approval** of a request for *rezoning* a 1.66± acre tract of land from RS-3 to CS on property located west of the southwest corner of East 36<sup>th</sup> Street North and North Peoria Avenue, a portion of the subject property. (Ordinance number 16606)

**Z-5478 March 1981:** All concurred in **approval** of a request for *rezoning* a 6.8± acre tract of land from RS-3 to CS on property located west of the southwest corner of East 36<sup>th</sup> Street North and North Peoria Avenue, a portion of the subject property. (Ordinance number 14982)

***Surrounding Property:***

**Z-5395 July 1980:** All concurred in **approval** of a request for *rezoning* a tract of land from CS to IL on property located south of the southwest corner of East 36<sup>th</sup> Street North and North Peoria Avenue.

**BOA-16555 January 1994:** The Board of Adjustment **approved** a *special exception* to permit school uses in an RS-3 zoned district, on property located south of the southwest corner of East 36<sup>th</sup> Street North and North Peoria Avenue.

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

**INTERESTED PARTIES:**

**Tracie Chandler** 564 East 39<sup>th</sup> Street North, Tulsa, OK 74127

Ms. Chandler stated she is the President of the Phoenix Development Council and that organization is charged with bringing the 36<sup>th</sup> Street North Small Area Plan into commission. The vision chapter states, "The vision chapter reflects the community's ideas for the future of the 36<sup>th</sup> Street North Corridor. This vision relies heavily on public input and consideration of existing conditions to identify

key development opportunities. By articulating a consensus vision, the plan can recommend a course of future action. By showing development concepts which reflect the vision, this chapter illustrates actionable items that can be implemented.” Ms. Chandler stated in 20 years the community of 36<sup>th</sup> Street North Corridor will be an attractive, inclusive, secure family-oriented community with a variety of housing types meeting the lifestyle of the multicultural residents. Ms. Chandler stated this application is in direct line with the vision statement of the 36<sup>th</sup> Street North Small Area Plan and Ms. Chandler would like the Planning Commission to approve this project.

**TMAPC COMMENTS:**

Mr. Fothergill stated he would like to thank Ms. Chandler for her thoughtfulness and passion for the 36<sup>th</sup> Street North area.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Fretz, “absent”) to **APPROVE** Z-7462 rezoning from CS to MX2-F-65 and MX2-V-65 per staff recommendation.

**Legal Description of Z-7462:**

**MX2-F-65**

Exhibit “A”

LOT ONE (1), BLOCK ONE (1), NORTHSIDE CLINIC, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 4543.

AND

LOT TWO (2) AND LOT THREE (3), IRIS GARDENS ADDITION, PART OF THE NORTHEAST QUARTER OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 1717.

AND

BEGINNING AT A POINT FIFTY (50) FEET SOUTH AND SIX-HUNDRED THIRTY-FIVE (635) FEET WEST OF THE NORTHEAST CORNER OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, THENCE S01°08'58"E FOR A DISTANCE OF 539.04 FEET; THENCE S88°37'13"W FOR A DISTANCE OF 194.52 FEET; THENCE N01°09'54"W FOR A DISTANCE OF 539.20 FEET; THENCE N88°40'04"E FOR A DISTANCE OF 194.67 FEET TO THE POINT OF BEGINNING .

**MX2-V-65**

Exhibit “B”

BEGINNING AT A POINT ONE-HUNDRED NINETY-FIVE (195) FEET SOUTH AND SIX- HUNDRED THIRTY-FIVE (635) FEET WEST OF THE NORTHEAST CORNER OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE

(12) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, THENCE N88°40'04" E FOR A DISTANCE OF 219.85 FEET THENCE S01°08'58"E FOR A DISTANCE OF 393.86 FEET; THENCE S88°37'13"W FOR A DISTANCE OF 219.85 FEET; THENCE N01°08'58"W FOR A DISTANCE OF 394.04 FEET TO THE POINT OF BEGINNING.

\*\*\*\*\*

8. **Z-7463 Global Development LLC** (CD 7) Location: South of the southeast corner of East 91<sup>st</sup> Street South and South Mingo Road requesting rezoning from **CO** and **AG** to **CS with optional development plan** (Related to Mingo Commercial Center)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7463**

**APPLICANTS DEVELOPMENT CONCEPT:**

Mingo Commercial Park is a proposed 4 lot commercial subdivision on the east side of Mingo Road south of 91<sup>st</sup> Street South. This optional development plan has been submitted along with a request to rezone the property from AG to CS. The owner plans to develop the property using a common mutual access drive along the center of the property. This plan is provided to allow lots to be created without frontage along a street in accordance with the current subdivision regulations. It sets out the method for measuring the required bulk and area requirements and setbacks.

**SECTION II: Optional Development Plan Standards:**

**GENERAL PROVISIONS:**

1. All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform with the provision of the Tulsa Zoning Code for development in a CS zoning district except that lots are not required to have public street frontage.

**PRIVATE STREETS AND MAINTENANCE OBLIGATIONS FOR COMMON AREAS AND IMPROVEMENTS:**

1. All lots within the subdivision shall include direct vehicular access to a private street. All private streets shall be included in a reserve area or mutual access easement as defined on the face of the final plat. The reserve area or easement shall include provisions that provide common use and benefit of the owners of the lots, their guest and invitees for providing vehicular and pedestrian access to and from the various residential lots and to and from public streets.
2. All operations and maintenance responsibilities for improvements in reserve areas shall be assigned to a Property Owners Association. Such obligation must be provided for in the plat. Each property owner, by acceptance of a deed to a property within the development, will be deemed to have agreed to be a member of the property owner's association and be subject to assessments for maintenance of the common areas and public or private improvements.
3. Provisions shall be made to allow access to the City of Tulsa, the United States Postal Service, private parcel delivery services, public utility providing service to the subdivision and to any refuse collection service which provides service within the subdivision the right to enter and traverse the private street and to operate thereon all service, emergency and allow government vehicles including, but not limited to, police and fire vehicles and equipment.
5. Private streets and sidewalks abutting private streets shall be constructed to meet or exceed the City of Tulsa Engineering standards for minor residential streets and must satisfy the provisions of the Tulsa Metropolitan Area Subdivision and Development Regulations.
6. Private streets intersecting with public streets must have a vehicular turn around area before any entrance gate that allows a complete turnaround completely outside the street right of way of the intersecting public streets. Gate designs, security systems and access controls must be reviewed and approved by the technical advisory committee before installation.

#### MINIMUM BUILDING SETBACKS FROM PRIVATE STREETS:

1. No building shall be located closer than 35 feet as measured to the center of the mutual access easement.

#### LANDSCAPING:

- 1) All landscaping shall conform with or exceed the landscape standards of the Tulsa Zoning Code at the time a building permit for new building construction is submitted. Additionally, the following standards shall apply to street yard landscaping which shall be provided along the mutual access drive as follows:



- i) A landscape strip with a minimum width of 12 feet from the edge of pavement shall be established and maintained as a landscaped area.
- ii) Within that landscape strip trees shall be installed and maintained with a maximum spacing of one tree for each 50 linear feet along both sides of the drive.

**PLATTING REQUIRMENT:**

A final plat meeting or exceeding the minimum standards of the City of Tulsa shall be filed at the Tulsa County Courthouse prior to receipt of any commercial building permit.

**DETAILED STAFF RECOMMENDATION:**

Z-7463 requesting CS with the optional development plan as outlined in Section II is consistent with the Regional Center land use designation of the Tulsa comprehensive plan and,

CS zoning is non-injurious to the surrounding property owners.

CS zoning is consistent with the expected development pattern in the area therefore,

Staff recommends **Approval** of Z-7463 as outlined in Section II above.

**SECTION III: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* CS zoning with the optional development plan is consistent with the Regional Center land use vision of the comprehensive plan.

Land Use Vision:

*Land Use Plan map designation:* Regional Center

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

*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.

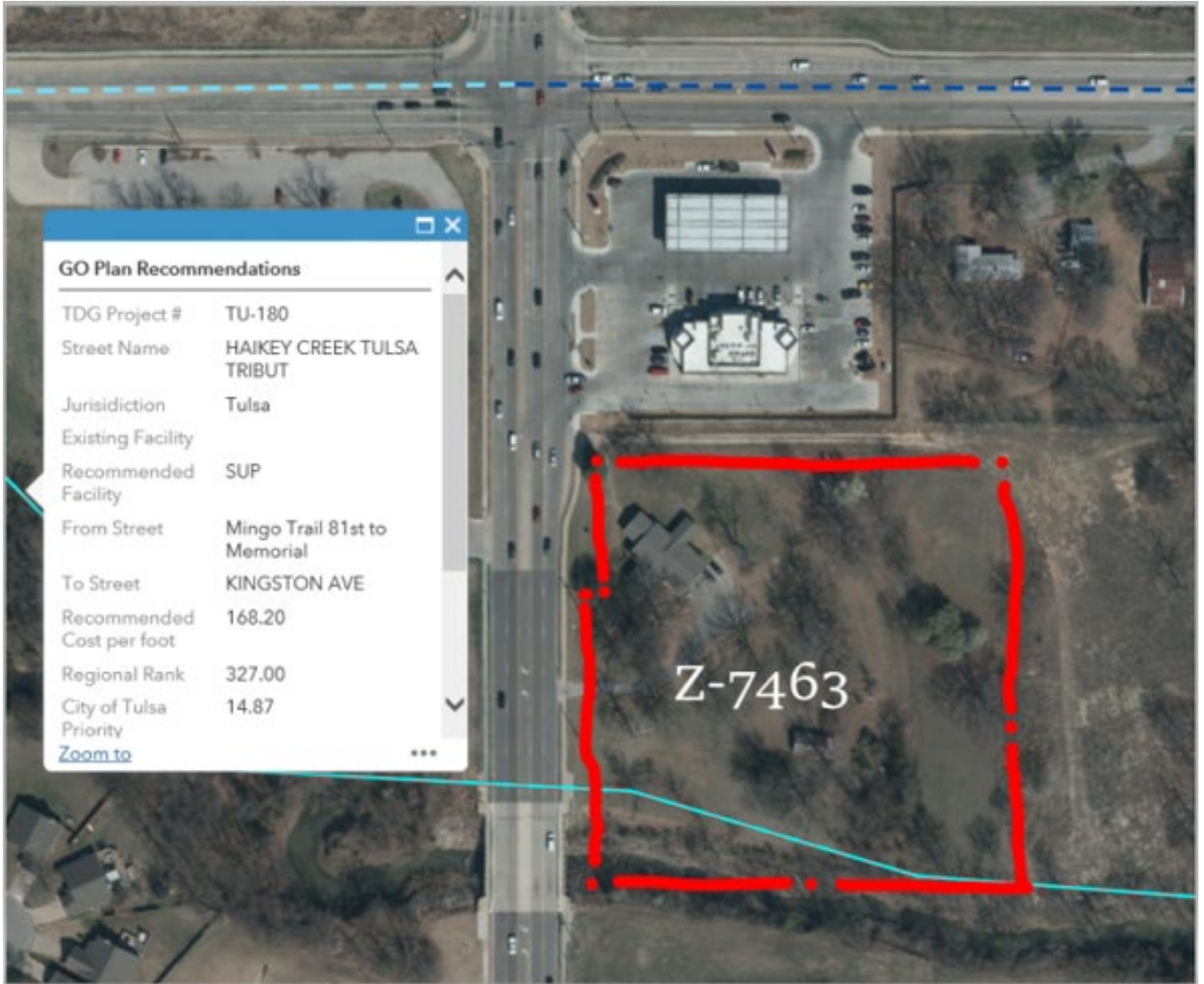
Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth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

Transportation Vision:

*Major Street and Highway Plan:* Secondary Arterial with out additional designations.

*Trail System Master Plan Considerations:* The Tulsa Trail Plan illustrates a proposed trail system along the south edge of this site. During the plat process accommodations for a 20’ wide trail easement should be included during the plat process.

See Trail Plan Snippet on next page:



Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site is undeveloped and was a homesite with some agricultural uses evident.

Environmental Considerations: None except the floodplain area adjacent to the south boundary of the site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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South Mingo Avenue	Secondary Arterial	100 feet	5 includes center turn lane
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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	CS	Regional Center	Growth	Convenience store
East	AG	Regional Center	Growth	Empty lot
South	CO	Regional Center	Growth	Floodplain lot empty
West	AG	Regional Center	Growth	Floodplain empty lot

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11834 dated June 26, 1970, established zoning for the subject property.

**Subject Property:** No relevant history

**Surrounding Property:**

**BOA-22091 June 2016:** The Board of Adjustment **approved** a *special exception* to permit a dynamic display sign for Forest Park Christian Church in the AG District, on property located at the southwest corner of East 91<sup>st</sup> Street South and South Mingo Road.

**Z-6910-SP-2 April 2006:** All concurred in **approval** of a proposed Corridor Site Plan on a 4.45+ acre tract of land for commercial and medical office use and to establish the aggregate floor area of 27,380 square feet for office development, on property located east of southeast corner of East 91<sup>st</sup> Street South and South Mingo Road.

**Z-7003/PUD-721 January 2006:** All concurred in **approval** of a request for *rezoning* and **approval** of a proposed *Major Amendment* to PUD on a 40± acre tract of land from AG to CS/OL/RS-3/PUD to permit office, commercial, and residential uses on property located on the northwest corner of East 91<sup>st</sup> Street South and south Mingo Road.

**Z-6910-SP-1 December 2003:** All concurred for **approval** of the proposed Corridor Site plan on a 4.5+ acre tract for a 4-story bank and medical office

building located east of the southeast corner of East 91<sup>st</sup> Street and South Mingo Road.

**Z-6910 November 2003:** All concurred in **approval** of a request for *rezoning* a 4.5+ acre tract from AG to CO, for office and bank use, on property located east of the southeast corner of East 91<sup>st</sup> Street and South Mingo Road.

**Z-6467/PUD-628 March 2000:** All concurred in **approval** of a request for *rezoning* and **approval** of a proposed *Major Amendment* to PUD on a 15.86+ acre tract of land from AG/CO to CO/PUD to permit a medium intensity office park to include assisted living facility and elderly/retired housing, on property located on the northeast corner of the Mingo Valley Expressway and South Mingo Road.

**Z-6538/Z-6538-SP-1 July 1996:** All concurred in **approval** of a request for *rezoning* a 3.4+ acre tract of land from AG to CO, on property located south and east of the southeast corner of East 91<sup>st</sup> Street South and South Mingo Road. **Approval** was also granted for a Corridor Site plan for an inline hockey facility.

**Z-6467/Z-6467-SP-1 January 1995:** All concurred in **approval** of a request for *rezoning* a 15+ acre tract of land from AG/CO to CO on property located south and east of the southeast corner of East 91<sup>st</sup> Street South and South Mingo Road. **Approval** was also granted for a Detail Corridor Site Plan to allow a golf center with a driving range, practice, and instructional facilities.

**Z-6194 July 1988:** All concurred in **approval** of a request for *rezoning* a 3.45+ acre tract of land from AG to CO on property located east of the southeast corner of East 91<sup>st</sup> Street South and South Mingo Road.

**Z-5916 December 1987:** All concurred in **approval** of a request for *rezoning* a 2+ acre tract of land from AG to CS on property located on the southeast corner of East 91<sup>st</sup> Street South and South Mingo Road.

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

**There were no interested parties wishing to speak.**

**TMAPC COMMENTS:**

Mr. Walker asked what the use was going to be.

Staff stated he was unsure of the use, but the applicant was present if more details were needed.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor,

Fretz, "absent") to **APPROVE** Z-7463 rezoning from CO and AG to CS with optional development plan per staff recommendation.

**Legal Description of Z-7463:**

The West Four hundred seventy-nine and Five tenths (479.5) Feet of the South Four hundred fifty-six (456) feet of the North Eight hundred eleven (811) feet of Government Lot One (1), Section Nineteen (19), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT Beginning at a point Fifty (50) feet East and Three hundred fifty-five (355) feet South of the Northwest Corner of Section Nineteen (19), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; thence Eight (8) feet Easterly and perpendicular to the West line of Section 19; thence Southerly Two hundred ninety (290) feet; thence Westerly Eight (8) feet; thence Northerly Two hundred ninety (290) feet to the Point of Beginning.

\* \* \* \* \*

9. **Mingo Commercial Center** (CD 7) Preliminary Plat, Location: South of the southeast corner of East 91<sup>st</sup> Street South and South Mingo Road (Related to Z-7463)

**STAFF RECOMMENDATION:**

Related to Z-7463 rezoning from AG/CO to CS

South of the southeast corner of East 91<sup>st</sup> Street South and South Mingo Road

This plat consists of 4 lots, 1 block on 4.45 ± acres.

The Technical Advisory Committee (TAC) met on November 1, 2018 and provided the following conditions:

1. **Zoning:** The property is currently zoned primarily AG (Agriculture) with a very small area of CO (Corridor) along the southern boundary. All property is under application to be rezoned to CS (Z-7463). The rezoning must be approved and effective prior to the approval of a final plat.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat.

3. **Transportation & Traffic:** Mingo Road must be labeled on the face of the plat. Limits of no access must be applied along Mingo Road with defined access points to the subdivision.
4. **Sewer:** Sewer mainline extension is required to serve lots within the subdivision. IDP plans for sewer extension must be approved prior to approval of the final plat and required easements must be reflected on the face of the plat.
5. **Water:** Water mainline extension is required as well as additional easements for service meter locations. IDP plans for water main extension must be approved prior to approval of the final plat. All required easements must be shown on the face of the final plat.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat. Add City of Tulsa prior to State of Oklahoma in the plat subtitle. Remove contours from final plat submittals. Graphically label the POC (point of commencement) and POB (point of beginning) on the face of the plat. Label all platted property in the location map and label all other property as unplatted. Verify accuracy of legal description and tie to a section corner, half section, or quarter section.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** The property is located within FEMA and City of Tulsa floodplains. All floodplain boundaries must be delineated on the face of the plat and any modifications to the floodplain must be completed prior to approval of the final 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.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fretz, "absent") to **APPROVE** Mingo Commercial Center Preliminary Plat per staff recommendation.

\* \* \* \* \*

10. **MR-1, 2429 E 25<sup>th</sup> PI** (CD 4) Modification to Subdivision and Development Regulations to remove sidewalk requirement, Location: East of the northeast corner of East 25<sup>th</sup> Place South and South Lewis Avenue

**STAFF RECOMMENDATION:**

East of the northeast corner of East 25<sup>th</sup> Place South and South Lewis Avenue  
Lot 12, Block 1 of Kenlawn Addition

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the construction of a new home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

A fee in-lieu program was the established mechanism for removing the requirement per Section 5.070; however, at this time, the City of Tulsa is not able to accept fee-in-lieu payments. The account for the funds and the process by which they are to be collected is still being established.

The property under application is located within a neighborhood where there are currently no sidewalks. The newly constructed home would be the only property in the immediate area with a sidewalk and the sidewalk would not provide the connectivity that is the intended goal of the Subdivision and Development Regulations.

Staff recommends **approval** of the modification of the Subdivision and Development Regulations to remove the requirement for sidewalk construction on this property.

**TMAPC COMMENTS:**

Mr. Reeds asked if this was on 25<sup>th</sup> Place.

Staff answered “yes”, six or seven houses in from Lewis Avenue.

Mr. Covey asked Mr. Reed if the request was a reasonable one since he was not familiar with that area.



Mr. Reeds stated “yes”.

Mr. Covey stated he always leery of sidewalk waivers.

Staff stated to provide a little bit of context, one of the big reasons this was added with the new Subdivision Regulations was that prior to that the only time a developer was required to construct sidewalks was if there had been a rezoning, if there was a reason that they had required them to plat their property. Staff stated they took that requirement and applied it to new development in the city. Staff stated in a large commercial development you wouldn't see staff recommend approval for a sidewalk modification to remove the requirements but it's feasible in some of the neighborhoods when it's just one home inside the neighborhood that is not connected.

Mr. Covey stated this is in an existing neighborhood and if they were made to build the sidewalk you would only have a strip of sidewalk.

Staff stated “yes” it would be a standalone strip of sidewalk in front of only one property owner. Staff stated this doesn't achieve the goal of providing connectivity.

**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Fretz, “absent”) to **APPROVE** Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

**OTHER BUSINESS**

**11. Commissioners' Comments**

\* \* \* \* \*

**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fretz, "absent") to **ADJOURN** TMAPC meeting 2782.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 2:43 p.m.

Date Approved:

12-05-2018

  
Chairman

ATTEST:

  
Secretary