

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2842

Wednesday, May 19, 2021, 1:00 p.m.

City Council Chamber

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

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-------------------------|
| Adams-R | McArtor | Foster-P | Jordan, COT-P |
| Blair-R | | Hoyt-R | Silman, COT-P |
| Covey-P | | Miller-P | Skates, COT-R |
| Craddock-P | | Sawyer-P | VanValkenburgh, Legal-R |
| Kimbrel-R | | | |
| Reeds-P | | | |
| Shivel-R | | | |
| Van Cleave-R | | | |
| Walker-R | | | |
| Whitlock-R | | | |

R=Remote P=in Person

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 13, 2021 at 11:13 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

Commissioners, Staff, and members of the public were allowed to attend and participate in the TMAPC meeting in person or via videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

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

REPORTS:

Chairman's Report:

Mr. Covey congratulated staff member Nathan Foster who is getting married this Saturday. He stated on a sad note he has been informed that Commissioner Van Cleave will be leaving Planning Commission and today will be her last meeting.

Director's Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller thanked Ms. Van Cleave for serving on Planning Commission and wished her well.

Ms. Van Cleave stated she was thrilled to have this opportunity and everyone was so kind and professional. She stated Staff and Commissioners represent Tulsa very well and are an excellent bunch of people.

* * * * *

1. Minutes:

Approval of the minutes of **May 5, 2021 Meeting No. 2841**

On **MOTION** of **COVEY**, the TMAPC voted 10-0-0 (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to **APPROVE** the minutes of May 5, 2021, Meeting No. 2841

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.

Review and possible approval, approval with modifications, denial, or deferral of the following:

2. **PUD-298-17 Bradley Rowell** (CD 7) Location: Southwest corner of East 87th Place South and South 87th East Avenue requesting a **PUD Minor Amendment** to reduce required west side yard for an accessory building

STAFF RECOMMENDATION:

SECTION I: PUD-298-17 Minor Amendment

Amendment Request: Revise the PUD Development Standards to reduce the required west side yard for an accessory building.

The current development standard for side yards is 5 feet for any building. The applicant is requesting that this requirement be reduced to 0 feet in order to accommodate an existing accessory building on the west side of the lot. The accessory building would need to be outside of any easements, however the plat

for Shadow Ridge shows that there are no easements in the location of the accessory building. The area to the west of the lot is an unplatted and undeveloped forested area.

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

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

Staff has reviewed the request and determined:

- 1) PUD-298-17 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-298.
- 2) The requested amendment would only apply to accessory buildings.
- 3) All remaining development standards defined in PUD-298 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the side yard on the west side of the subject lot to 0 feet to accommodate and existing accessory building.

Legal Description for PUD-298-17:

Lot 13, Block 1 Shadow Ridge

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; McArtor, “absent”) to **APPROVE** Item 2 per staff recommendation.

PUBLIC HEARING-REZONING

Review and possible recommendation of approval, approval with modifications, denial, or deferral of the following:

3. **Z-7604 Charles Onyechi** (CD 1) Location: East of the southeast corner of Mohawk Boulevard and North Columbia Avenue requesting rezoning from **CS to IL with optional development plan (Staff requests a continuance to June 2, 2021)**

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; McArtor, “absent”) to **CONTINUE** Item 3 to June 2, 2021.

- 4. Z-7606 Wallace Engineering, Mike Thedford (CD 1) Location: North of the northeast corner of East 36th Street North and North Lewis Avenue requesting rezoning from **CS to IH with optional development plan (Staff requests a continuance to June 2, 2021)****

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; McArtor, “absent”) to **CONTINUE** Item 4 to June 2, 2021.

- 5. Z-7605 Lou Reynolds (CD 6) Location: Southeast corner of East 31st Street South and South 177th East Avenue requesting rezoning from **AG to RS-5****

STAFF RECOMMENDATION:
SECTION I: Z-7605

DEVELOPMENT CONCEPT:

The applicant is requesting RS-5 zoning to allow a variety of lot sizes for single family homes. RS-5 zoning allows single family homes, cottage home development, townhomes, and patio homes.

DETAILED STAFF RECOMMENDATION:

Z-7605 requesting RS-5 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in a RS-5 district allow a density similar to the abutting MPD-1 zoned properties immediately west of this property and RS-5 zoning is consistent with the anticipated future development pattern of the surrounding property and,

RS-5 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7605 to rezone property from AG to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The residential density, variety of building types and uses allowed are consistent with the land use designation in the comprehensive plan.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center and New Neighborhood

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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 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: East 31st Street South and South Lynn Lane are both illustrated as secondary arterial streets. No additional considerations are shown on the plan.

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 gently sloping with stormwater drainage generally flowing from west to east into the Spunky Creek Floodplain and Floodway east of the site. The site is bisected by a regulatory floodplain and is lightly wooded.

Environmental Considerations: None except the regulatory floodplain in the middle of the site.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|---|--------------------|-----------------|-----------------------|
| East 31 st Street South | Secondary Arterial | 100 feet | 2 |
| South Lynn Lane (S. 177 th E. Ave) | Secondary Arterial | 100 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available however significant offsite utility infrastructure for water and sanitary sewer improvement is expected.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|----------|-----------------|-------------------------------|-----------------------------|-------------------------------|
| North | AG and RM-O | Park and Open Space | Stability | City of Tulsa Water Reservoir |
| East | AG | New Neighborhood | Growth | Undeveloped |
| South | AG | New Neighborhood | Growth | Undeveloped |
| West | MPD-1 | New Neighborhood | Growth | Undeveloped |

SECTION III: Relevant Zoning History

History: Z-7605

ZONING ORDINANCE: Ordinance number 11826 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

Z-7587 February 2021: All concurred in **approval** of a request for *rezoning* a 160± acre tract of land from AG to RS-5 for Single-family Residential, on property located on the southwest corner of East 31st Street South and South 193rd East Avenue.

MPD-1 April 2019: All concurred in **approval** of a request for *rezoning* a 117.5± acre tract of land from AG to MPD-1 for a mixed-use master planned community with a variety of housing types, recreational, civic, and commercial uses, integrated open space and park development, on property located on the southwest corner of East 31st Street and South 177th East Avenue.

Z-7009 February 2006: All concurred in **approval** of a request for *rezoning* a 21.81± acre tract of land from AG to CS/RM-0 for Commercial, Office, and Multifamily residential uses, on property located southeast corner of East 31st Street South and South 177th East Avenue.

BOA-17616 January 1997: The Board of Adjustment **approved** a *Special Exception* to permit a model airplane facility in an AG and CS zoned district, a *Variance* of required parking from 4274 to 45, and a *Variance* of required all weather surface to permit parking on gravel and grass, per plan submitted, on property located on the northeast corner of 31st and Lynn Lane.

BOA-06811 November 1970: The Board of Adjustment **approved** an *Exception* to permit occupying a mobile home in an AG District, on property located at the northeast corner of 31st Street and Lynn Lane.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to recommend **APPROVAL** of the RS-5 zoning for Z-7605 per staff recommendation.

Legal Description for Z-7605:

THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT THE FOLLOWING:

THE NORTH 660 FEET OF THE WEST 660 FEET OF THE NORTHWEST QUARTER OF SECTION TWENTY-FOUR (24), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF. AND LESS AND EXCEPT:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION TWENTY-FOUR (24), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES SURVEY THEREOF, THENCE EASTERLY ALONG THE NORTHERLY LINE OF SECTION TWENTY-FOUR (24), A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING EASTERLY ALONG THE NORTHERLY LINE OF SECTION TWENTY-FOUR (24) A DISTANCE OF 300 FEET; THENCE SOUTHERLY AND PARALLEL TO THE WESTERLY LINE OF SECTION TWENTY-FOUR (24) A DISTANCE OF 960 FEET; THENCE WESTERLY AND PARALLEL TO THE NORTHERLY LINE OF SECTION TWENTY-FOUR (24) A DISTANCE OF 520

FEET; THENCE SOUTHERLY AND PARALLEL TO THE WESTERLY LINE OF SECTION TWENTY-FOUR (24) A DISTANCE OF 30 FEET; THENCE WESTERLY AND PARALLEL TO THE NORTHERLY LINE OF SECTION TWENTY-FOUR A DISTANCE OF 440 FEET TO A POINT ON THE WEST LINE OF SECTION TWENTY-FOUR (24); THENCE NORTHERLY ALONG THE WESTERLY LINE OF SECTION TWENTY-FOUR (24) A DISTANCE OF 330 FEET; THENCE EASTERLY AND PARALLEL TO THE NORTHERLY LINE OF SECTION TWENTY-FOUR (24) A DISTANCE OF 660 FEET; THENCE NORTHERLY AND PARALLEL TO THE WESTERLY LINE OF SECTION TWENTY-FOUR (24) A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING.

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- 6. Z-7607 Wallace Engineering, Jim Beach** (CD 5) Location: North of the northwest corner of East 41st Street South and South 79th East Avenue requesting rezoning from **IL to IL with optional development plan** for a private street (Related to Kaiser North Industrial Park)

STAFF RECOMMENDATION:
SECTION I: Z-7607

APPLICANTS DEVELOPMENT CONCEPT:

Kaiser North Industrial Park is being developed on an undeveloped tract, zoned IL. It is proposed to have eleven lots in two blocks with one reserve area for stormwater detention and one for the private street. The subdivision contains approximately 17.3 acres. The reserve contains approximately 0.86 acres. The lots vary in size and average approximately 1.2 acres each.

All lots will be accessed from a private cul-de-sac connecting to South 79th East Avenue at the eastern edge of the site. The street will be pavement will be 26 feet wide with curb and gutter. The private street aligns with East 40th Street from South 79th East Avenue, east to Memorial Drive.

There is a continuous area of City of Tulsa Regulatory Floodway in an Overland Drainage Easement extending along the entire north and west boundaries of the property. Abutting the site to the south is an active MK&O Railroad. There are no opportunities to continue the street beyond boundaries of this property.

The current zoning is IL and will not be changed. The uses proposed are allowed by right in the IL District. The project will meet the bulk and area standards of the IL District as well as required landscaping, lighting, and other requirements of the Tulsa Zoning Code.

DETAILED STAFF RECOMMENDATION:

Z-7607 is requesting IL 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,

The uses allowed in an IL district are consistent with the surrounding property owners.

All supplemental regulations, lot and building regulations and building types in this zoning district are consistent with the expected development pattern in the area therefore,

Staff recommends Approval of Z-7607 to rezone property from IL to IL with an optional development plan to allow private streets and allow lots without frontage on a public street.

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 an IL 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 20 feet from the lot line abutting the reserve area for the private street.

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 classified as large trees shall be installed and maintained with a maximum spacing of one tree for each 50 linear feet along both sides of the private street.

PLATTING REQUIREMENT:

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.

SECTION III: SUPPORTING DOCUMENTATION

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This request is consistent with the Employment land use designation in the comprehensive plan. Generally, the comprehensive plan is not supportive of private street development without street connectivity options on the perimeter however in this instance the property

abutting the site has been developed and the property is isolated. Staff supports private street development in this location.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing, and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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: This property will only have access to S. 76th East Avenue and is land locked from access to the south because of a railroad line and all surrounding properties have been previously developed without stub streets.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: This site is vacant and surrounded by previously developed property and abuts a rail line on the south.

Environmental Considerations: This site was previously developed as an industrial site and has been through a remediation process. The north and east sides of the site is surrounded by significant open drainage and the west and south is limited by a railroad spur. These physical constraints support the idea of a private street network. This site does not have any other vehicular access opportunities except South 79th East Avenue.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------------|--------------------|-----------------|-----------------------|
| South 79 th East Avenue | None | 50 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|------------------------|
| North | IL | Employment | Growth | Industrial/warehousing |
| East | IL | Employment | Growth | Industrial/warehousing |
| South | IL and IM | Employment | Growth | Industrial/warehousing |
| West | IL | Employment | Growth | Industrial/warehousing |

SECTION IV: RELEVANT ZONING HISTORY

ZONING ORDINANCE: Ordinance number 11824 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-16742 August 1994: The Board of Adjustment **approved** a *Special Exception* to permit a Halloween outreach from the second week of October through November 15 annually and a *Special Exception* to permit a tent, per plan submitted, subject to the tent being at the same location and being the same size as the previously approved plan, finding the extended days of operation for the temporary use will not be detrimental to the area, on property located at 7727 East 41st Street South. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-16477 October 1993: The Board of Adjustment **approved** a *Minor Special Exception* to permit for an amended site plan approval-Use Unit 5, per amended site plan, subject to the tent being temporarily located on the lot from October 12, 1993 to November 14, 1993, finding the temporary use will not be detrimental to the area, on property located at 7727 East 41st Street South. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-16464 October 1993: The Board of Adjustment **denied** a *Special Exception* to permit Use Unit 19 (Halloween Spook House) as an accessory use to church use due to the fact the applicant failed to appear before the Board, on property located at 7727 East 41st Street South. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-16146 September 1992: The Board of Adjustment **approved** a *Special Exception* to permit church use in an IL zoned district, subject to the plan submitted and subject to the hours of operation (music concerts to conclude at midnight) and events as submitted by the applicant in this meeting, on property located at 7727 East 41st Street South. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-14832 May 1988: The Board of Adjustment **approved** a *Special Exception* to allow for a Use Unit 14 (Shopping Goods and Services) in an IL zoned district, finding that there are numerous retail uses in the area, on property located at 7727 East 41st Street. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-14576 August 1987: The Board of Adjustment **denied** a *Special Exception* to allow a ballroom and related uses in an IL zoned district, finding that the granting of the request would be detrimental to the area, on property located at 7727 East 41st Street. This request includes the

eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-03958 November 1962: The Board of Adjustment **approved** a *request* for a modification of setback requirements in a U-4-A District, on property located on part of the SE, SE, of Section 23-19-13. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

Surrounding Property:

BOA-22729 December 2019: The Board of Adjustment **approved** a *Special Exception* to permit a Large Commercial Assembly and Entertainment use (more than 250-person capacity) in an IL District to permit expansion of an existing gymnastics facility, subject to conceptual plan 4.6 of the agenda packet and no competitions occurring on the site, on property located at 7020 East 38th Street South.

BOA-16530 December 1993: The Board of Adjustment **approved** a *Special Exception* to permit a children's museum in an IL zoned district, on property located at 7704 East 38th Street.

BOA-16076 August 1992: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 14, or in alternative, a *Special Exception* to permit a sexually oriented business in an Industrial District, subject to days and hours of operation being Monday through Thursday, 10:00am to 10:00pm, Friday through Saturday 10:00am to midnight, and Sunday 1:00 pm to 10:00pm, subject to the business prohibiting, and strictly enforcing, admittance of all individuals under 18 years of age, all movies displayed, rented, or sold must be of a character acceptable for general distribution over public air waves, that no form of entertainment of any nature be permitted on the site, and all products for sale, display, or rental within the operation will not involve children or depict acts of violence against women, on property located at 7925 East 41st Street.

BOA-11051 June 1980: The Board of Adjustment **approved** an *Exception* to operate the Oklahoma School of Gymnastics, Tulsa World of Gymnastics, and Tulsa Twisters Trampoline & Tumbling, on property located at 7246 East 38th Street.

BOA-08343 September 1974: The Board of Adjustment **approved** an *Exception* to use property for Use Units 12, 13, and 14 and a *Variance* to use property for a ballroom (Use Unit 19) in an IL District, on property located at 7901 East 41st Street.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to recommend **APPROVAL** of the IL zoning with an optional development plan for Z-7607 per staff recommendation.

Legal Description for Z-7607:

PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-THREE (23), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING FURTHER DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF THE SOUTHEAST QUARTER (SE/4) OF SAID SECTION TWENTY-THREE (23); THENCE NORTH 01°22'14" WEST FOR 487.95 FEET TO THE POINT OF BEGINNING OF SAID TRACT. THENCE NORTH 01°22'14" WEST FOR 350.53 FEET; THENCE NORTH 88°38'58" EAST FOR 1325.80 FEET; THENCE SOUTH 01°20'55" EAST FOR 176.49 FEET; THENCE NORTH 88°39'30" EAST FOR 632.93 FEET; THENCE SOUTH 01°22'50" EAST FOR 120.00 FEET; THENCE SOUTH 88°39'30" WEST FOR 632.93 FEET; THENCE SOUTH 01°20'55" EAST FOR 41.20 FEET; THENCE SOUTH 88°36'54" WEST FOR 250.00 FEET; THENCE SOUTH 01°20'55" EAST FOR 397.63 FEET; THENCE NORTH 72°54'51" WEST FOR 926.15 FEET; THENCE NORTH 17°05'09" EAST FOR 25.00 FEET; THENCE NORTH 72°54'51" WEST FOR 216.03 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

PUBLIC HEARING-PLATS

Review and possible approval, approval with modifications or denial, or deferral of the following:

- 7. Kaiser North Industrial Park (CD 5) Preliminary Plat and Modification of Subdivision & Development Regulations to extend allowable cul-de-sac**

length and allow overhead electric within the subdivision, Location: North of the northwest corner of East 41st Street South and South 79th East Avenue (Related to Z-7607)

STAFF RECOMMENDATION:

Kaiser North Industrial Park - (CD 5)

(Related to Z-7607)

West of the northwest corner of East 41st Street South and South 79th East Avenue

This plat consists of 11 lots, 2 blocks on 17.3 ± acres for use as an industrial park.

The Technical Advisory Committee (TAC) met on May 6, 2021 and provided the following conditions:

1. **Zoning:** The property is currently zoned IL. Proposed lots conform to the requirements of the IL district. An optional development plan has been proposed (Z-7607) to allow for a private street within the industrial park. Optional Development Plan standards must be approved and effective prior to approval of the final plat. Standards for private street must be included in the deed of dedication.
2. **Transportation & Traffic:** Sidewalks are required to be installed per Title 35 in conjunction with any newly platted subdivision. Private street must meet all public street standards and approved IDP is required prior to final plat approval. Cul-de-sac length violates the Subdivision & Development Regulations and requires approval of the modification included with this preliminary plat to be accepted.
3. **Sewer:** Proposed sanitary sewer extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications, existing and proposed, must be clearly dimensioned and labeled on the face of the plat.
4. **Water:** Proposed water main extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications, existing and proposed, must be clearly dimensioned and labeled on the face of the plat.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Remove contours from final plat. Provide addresses for individual lots. Label the property being platted as “site” or “project location” in the location map. Show only filed plats in the location map and label all other property as unplatted. Under the “Basis of Bearing” heading provide a bearing angle between two known points associated with this plat. Graphically show all pins found or set associated with this plat. Graphically label the Point of Beginning and Point of Commencement.

6. **Fire:** Dead-end street requires approval of the Fire Chief. Dead-end street length with no secondary access will limit allowable height & square footage of any buildings constructed on the proposed lots. All requirements of the Fire Marshal must be met prior to the approval of the final plat. Additional language will be required in the covenants
6. **Stormwater, Drainage, & Floodplain:** All delineated floodplain boundaries, including City of Tulsa Regulatory Floodplain, must be clearly and accurately shown on the plat with base flood elevations labeled. It is recommended that the current effective map panels with map effective dates also be placed on the plat. Any proposed development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11-A and Title 51 as well as all City drainage standards. Proposed changes to the floodplain boundaries or flood elevations will be subject to floodplain map revisions. Stormwater improvements are required to obtain IDP approval prior to final plat approval.
7. **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. Public Service Company of Oklahoma has requested permission to install overhead electric within the area dedicated for the private street due to topographical challenges and the nature of use as an industrial park. Subdivision & Development Regulations only allow overhead utilities within the perimeter of new subdivisions. Approval of the included modification is required to permit overhead electric.

Modification of Subdivision and Development Regulations:

1. Section 5.060.5.B.2 – Permanent dead-end streets may not exceed 750 feet in length measured from the centerline of the intersecting street to the center of the turnaround.
2. Section 5-140.2 – Overhead lines for the supply of electric, telephone, communication, and cable television services may be located within alleys or perimeter easements of a subdivision. All other supply lines for electric, telephone, communication, cable television, natural gas, and similar services must be located underground in easements dedicated for general utility services or in street rights-of-way.

Staff recommends **APPROVAL** of the modifications to the Subdivision & Development Regulations finding the property to be uniquely isolated with several challenges to external connectivity including a railroad right-of-way, existing buildings, and a drainage channel. Overhead utilities have been specifically requested by Public Services Company of Oklahoma due to the existing topographical challenges within the perimeter of the subdivision and the desired flexibility for equipment within industrial areas.

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

plat approval is contingent on a final release from the City of Tulsa including Development Services, City Legal, and City Engineering.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to **APPROVE** the Preliminary Subdivision Plat and the modification to the Subdivision & Development Regulations for Kaiser North Industrial Park per staff recommendation.

* * * * *

8. Woodward Acres II (County) Preliminary Plat, Location: North of the northwest corner of East 171st Street South and South Harvard Avenue

STAFF RECOMMENDATION:

Woodward Acres II - (County)

North of the northwest corner of East 171st Street South and South Harvard Avenue

This plat consists of 14 lots, 2 blocks on 20 ± acres.

The Technical Advisory Committee (TAC) met on May 6, 2021 and provided the following comments:

1. **Zoning:** Proposed lots conform to the requirements of the AG-R district.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** Dimension and label right-of-way dedicated by plat and any adjacent right-of-way or easements. New street must be completed prior to final plat recording.
4. **Sewer/Water:** On-site sewage disposal. Water service to be provided by Creek County Rural Water District #2. Water line plans must be approved by the rural water district and installed prior to final plat recording.
5. **Stormwater, Drainage, & Floodplain:** Drainage review will be conducted by the Tulsa County Engineer. Any additional easements or improvements must be reflected on the final plat and completed prior to final plat recording.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Release letters required to be submitted from each utility serving the subdivision prior to final plat approval.

Staff recommends **APPROVAL** of the preliminary plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations. Final release by the Tulsa County Engineer is required prior to final plat approval.

TMAPC Comments:

Mr. Reeds asked what the average size of the lots were.

Staff stated within this particular development it is restricted to a minimum of 1.1 acre lots but these are actually quite a bit larger.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to **APPROVE** the Preliminary Subdivision Plat for Woodward Acres II per staff recommendation.

OTHER BUSINESS

9. Commissioners' Comments

Mr. Covey thanked Ms. Van Cleave again for her service on the Commission and told her she would be missed.

Ms. Van Cleave stated thank you and she was thrilled to have been able to have this experience. She wished everyone the best.

* * * * *

ADJOURN

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Van Cleave, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to **ADJOURN** TMAPC meeting of May 19, 2021, Meeting No. 2842.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:21 p.m.

Date Approved:

06-02-2021


Chairman

ATTEST:


ACTING
Secretary