

TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2885

March 1, 2023, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

Members Present	Members Absent	Staff Present	Others Present
Bayles	Craddock	Foster	Jordan, COT
Carr	Zalk	Hoyt	Silman, COT
Covey		Miller	Stephens, Jeff, Legal
Hood		Sawyer	VanValkenburgh, Legal
Krug		Siers	
Shivel		Wilkerson	
Walker			
Whitlock			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday February 23, 2023 at 3:44 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

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

REPORTS:

Chairman's Report:

Chairman Covey stated he appointed Commissioner Shane Hood to be the TMAPC representative on the City of Tulsa Preservation Commission. Mr. Covey also announced that a work session would be held on March 22, 2023.

Director's Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated City Council initiated a Zoning Code Amendment to establish an overlay for Dawson neighborhoods in Councilor

Patrick's District. She stated that it is very similar to the neighborhood infill overlay around downtown with a few adjustments.

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Minutes:

1. Minutes of February 15, 2023 Meeting No. 2884

Approval of the Minutes of **February 15, 2023 Meeting No. 2884**

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-1 (Covey, Hood, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; Bayles, "abstaining"; Carr, Craddock, Zalk, "absent") to **APPROVE** the minutes of **February 15, 2023 Meeting No. 2884**

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CONSENT AGENDA

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

2. **PUD-567-D-1 Michael Scarbrough** (CD 7) Location: West of the southwest corner of South Garnett Road and East 71st Street South requesting a **PUD Minor Amendment** to add a car wash as an allowed use.

STAFF RECOMMENDATION:

SECTION I: PUD-567-D-1 Minor Amendment

Amendment Request: PUD Minor Amendment to add a car wash as an allowed use.

Currently, the development standards for PUD-567-D only allow the uses included in Use Unit 15 – Other Trades and Services. This minor amendment would allow a car wash use included in Use Unit 17 – Automotive and Allied Activities as established under the previous City of Tulsa Zoning Code. The previous corridor development plan amendment (Z-4789-SP-6-c) added the use of minor vehicle maintenance to the North 275 feet of lot 1 block 2 of the Woodland Park Center Subdivision. The area mentioned included the area that is now PUD-567-D. The subsequent amendment to PUD-567 was not clear on whether a car wash was allowed. This minor amendment would clarify that a car wash is an allowed use in PUD-567-D.

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

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

Staff has reviewed the request and determined:

- 1) PUD-567-D-1 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.
- 2) PUD-567-D-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-567-D.
- 3) All remaining development standards defined in PUD-567-D shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to add a car wash as an allowed use.

Legal Description for PUD-567-D-1:

A tract of land that is part of Lot 1, in Block 2 of Woodland Park Center, a subdivision in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat No. 5265 thereof, being more particularly described as follows, to-wit:

Beginning at a point that is the Northeast Corner of said Lot 1 in Block 2;

THENCE South 00°10'00" West along the easterly line of said Lot 1 for 260.00 feet; THENCE North 89°46'10" West and parallel with the northerly line of Lot 1 for 165 feet; THENCE North 00°10'00" East for 260.00 feet to a point on the northerly line of Lot 1;

THENCE South 89°46'10" East along said northerly line for 165.00 feet to the point of beginning.

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3. **PUD-215-18 Sandra Franco** (CD 8) Location: West of the northwest corner of East 87th Street South and South Memorial Drive requesting a **PUD Minor Amendment** to increase allowable driveway width in the right-of-way

STAFF RECOMMENDATION:

SECTION I: PUD-215-18 Minor Amendment

Amendment Request: Revise the PUD Development Standards to increase the allowable driveway width within the street right-of-way.

Currently driveways in RS zoned lots with a width of 75+ feet cannot exceed 50% of the lot frontage or 27 ft of driveway width in the right-of-way whichever is less. The applicant is proposing to construct a drive that is 36 ft in width in the street right-of-way. The subject lot is a corner lot and has approximately 220 ft of total frontage. This would bring the total requested drive width to 16% of the total frontage.

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, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 4) PUD-215-18 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.
- 5) PUD-215-18 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-215.
- 6) All remaining development standards defined in PUD-215 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to the PUD Development Standards to increase the allowable driveway width within the street right-of-way.

Legal Description for PUD-215-18:

Lot 24, Block 25 Chimney Hills Estates BLK 18-31

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0(Bayles, Covey, Hood, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Carr, Craddock, Zalk, “absent”) to **APPROVE** Items 2 and 3 per staff recommendation.

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Ms. Carr arrived at 1:04 PM.

PUBLIC HEARING - PLATS

- 4. Saint Francis Hospital South** (CD 7) Request for Accelerated Release of Building Permits, Location: Northeast corner of East 91st Street South and Highway 169 (Continued from January 18, 2023, February 1, 2023 and February 15, 2023)

STAFF RECOMMENDATION:

Saint Francis Hospital South - (CD 7)

Northeast corner of East 91st Street South and Highway 169

The subject property is required to obtain full compliance with the Subdivision & Development Regulations due to a rezoning to PUD-586-A that occurred in December of 2001. A portion of the property was platted following the original approval, but the remainder of the tract is still subject to the platting requirements in the Tulsa Zoning Code Section 70.080.

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat for this project was approved on April 6, 2022.

The project is seeking to abandon and reconfigure existing public infrastructure that impacts that site. The abandonment of certain public infrastructure will include the closure and vacation of existing public utility easements that impact the project site. No construction will be permitted within the existing easements until closure of the easements has been completed. If approved, this application would allow work to begin on portions of the project that exist within the previously unplatted areas while the process to close and vacate existing easements continues. Closed easements will be depicted on the final plat. Any easements that have completed the vacation process will be removed from the final plat.

The Technical Advisory Committee met on January 5, 2023 and had no objections to the authorization for accelerated release of building permits.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

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

1. If an accelerated release is approved, no final inspection of buildings or structures may occur, and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.
2. Final documents for performance guarantee and security must be submitted and accepted by the City of Tulsa prior to building permit issuance.

Staff has determined that circumstances related to the subject property reasonably preclude the future use or improvement of the area for which dedication of right-of-way and easements would be required and recommend TMAPC include these findings to defer those dedications to the final plat.

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0(Bayles, Carr, Covey, Hood, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Craddock, Zalk, “absent”) to **APPROVE** Saint Francis Hospital South Accelerated Release of a Building Permit per staff recommendation.

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5. **41st Storage Center** (CD 6) Preliminary Plat, Location: West of the northwest corner of East 41st Street South and South Garnett Road

STAFF RECOMMENDATION:

41st Storage Center - (CD 6)

West of the northwest corner of East 41st Street South and South Garnett Road

This plat consists of 1 lot, 1 block on 5.49 ± acres.

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

1. **Zoning:** The property is currently zoned CS (Commercial -Shopping). The City of Tulsa Board of Adjustment approved a special exception for mini-storage on the subject site and a variance of the requirement for lots in CS to provide 50 feet of frontage on March 9, 2021 in BOA-23084. Proposed lot conforms to the requirements with the variance approval from the BOA.

2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with the address disclaimer. Ensure addresses match assignments given by City of Tulsa.
3. **Transportation & Traffic:** Provide public street names on the face of the plat. Ensure access is provided to the proposed new lot through existing access to East 41st Street. Provide language for mutual access easement in deed of dedication.
4. **Sewer:** Label and dimension easements, both existing and those being dedicated by the plat. Any offsite easements to cover public infrastructure extensions required by this project are required to be filed and reflected on the face of the plat.
5. **Water:** Label and dimension easements, both existing and those being dedicated by the plat. Any offsite easements to cover public infrastructure extensions required by this project are required to be filed and reflected on the face of the plat.
6. **Engineering Graphics:** Submit subdivision control sheet with final plat. Remove contours from final plat submittal. Update location map to include platted boundaries and label all other areas as unplatted. Include coordinate system used under Basis of Bearing heading and provide a bearing angle shown on the face of the plat. Graphically show all pins found or set associated with the plat. Provide date of last site visit by the surveyor. Label the point of beginning (POB) on the face of the plat. Ensure accuracy of written legal description.
8. **Stormwater, Drainage, & Floodplain:** FEMA and City of Tulsa Regulatory Floodplain for Sugar Creek exist on the subject property. Floodplain should be plotted by elevation and contained within an overland drainage easement. Development in the floodplain area is required to conform to Title 11-A. Proposed development conflicts with existing drainage easements on property. Existing easements must be vacated before 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. City of Tulsa release letter required prior to final plat approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0(Bayles, Carr, Covey, Hood, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Craddock, Zalk, “absent”) to **APPROVE** the Preliminary Subdivision Plat for 41st Storage Center per staff recommendation.

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PUBLIC HEARING - REZONING

Item 6 was withdrawn by Applicant before meeting began.

- 6. **CZ-538 Ryan McCarty** (County) Location: Southwest corner of 171st Street South and South Sheridan Road requesting rezoning from **AG to CG** to permit a mini-storage facility and office(continued from February 15, 2023)

STAFF RECOMMENDATION:

SECTION I: CZ-538

DEVELOPMENT CONCEPT: The applicant has requested to rezone from AG to CG to permit all uses that are allowed in a CG district. The immediate goal is to construct a mini-storage facility with an office and would be allowed in the CG district. The proposal lies primarily within the Commercial and Neighborhood Commercial land use designation however two small portions of the subject tract are located in Rural Residential designation of the City of Bixby Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal is compatible with these designations, with the exception of the two small portions of the subject area located in Rural Residential. Staff has contacted the City of Bixby who has stated they have no issues or concerns with the proposed zoning change.

DETAILED STAFF RECOMMENDATION:

CZ-538 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan;

CZ-538 is consistent with the anticipated future development pattern of the surrounding property therefore,

Staff recommends Approval of CZ-538 to rezone property from AG to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The site is located within the fenceline of the City of Bixby and is designated as “Commercial/Neighborhood Commercial/Rural Residential.” The City of Bixby’s Comprehensive Plan – Bixby 2030 Our Vision, Our Future was adopted as part of the Tulsa County Comprehensive Plan on August 15, 2019. The Plan follows the City of Bixby’s fenceline which includes unincorporated areas of Tulsa County. A city’s fenceline is an area preserved for future annexation by virtue of a narrow annexation strip which encloses the area of municipal influence and prevents annexation by other cities. One of the most critical components of a comprehensive plan update is community engagement. Participation by a broad cross section of interests increases the likelihood that the plan’s goals and policies will be based on community consensus, which increases the likelihood for successful plan implementation. Gaining community input was achieved through the following public engagement efforts: Stakeholder Interviews, Steering Committee Meetings, Community Kiosks, Informal Brochures, Project Website, Surveys, and Public Workshops.*

Land Use Vision:

Land Use Plan map designation: Commercial/Neighborhood Commercial/Rural Residential

Commercial

The Commercial designation denotes areas that create retail and commercial destinations for City residents, as well as others throughout the region. This designation may also support offices and business parks. Development shall have direct access to major roads and transit.

Neighborhood Commercial

The Neighborhood Commercial designation denotes areas that provide goods and services to meet the frequent shopping needs of residents. Development shall have access to major roads and provide opportunities for walking and biking from nearby residential areas.

Rural Residential

The Rural Residential designation denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting and may allow limited commercial uses that support the surrounding rural area.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 171st St S is designated as a Primary Arterial. S Sheridan Rd is designated as a Secondary Arterial.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant agricultural land.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E 171 st St S	Primary Arterial	120 Feet	2
S Sheridan Rd	Secondary Arterial	100 Feet	2

Utilities:

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

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Commercial/Neighborhood Commercial/ Rural Residential	N/A	Vacant
South	AG/RE/PUD-863	Neighborhood Commercial/Rural Residential	N/A	Vacant
East	AG	Commercial/Neighborhood Commercial/ Rural Residential	N/A	Vacant/Electrical Substation
West	AG/RE/PUD-863	Neighborhood Commercial/Rural Residential	N/A	Vacant

SECTION III: Relevant Zoning History

History: CZ-538

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

Surrounding Property:

CZ-536/PUD-863 December 2022: All concurred in **approval** of a request to rezone a 135.27± acre tract of land from AG to RE and **approval** of a proposed *Planned Unit Development* for a single-family residential subdivision, on property located Southwest corner of East 171st Street south and South Sheridan Road.

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7. **CZ-539 Todd Harmon** (County) Location: South of the southeast corner of East 106th Street North and North Garnett Road requesting rezoning from **RE** to **CG** to permit a mini-storage facility and office

STAFF RECOMMENDATION:
SECTION I: CZ-539

DEVELOPMENT CONCEPT: The applicant has requested to rezone from RE to CG to permit a mini-storage facility. The proposal lies within the Commercial land use designation of the City of Owasso Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal is compatible with this designation.

Staff has spoken with the City of Owasso concerning the proposed rezoning and mini-storage facility. They have stated that they no longer have CG zoning within the City limits of Owasso, so if the site were ever to be annexed, they would require the applicant to overlay a PUD onto the site, with requirements for a front commercial component. They do not have any major concerns about the proposal and have requested buffering from the neighboring properties. The Tulsa County Zoning Code requires a 6 foot screening wall or fence to be constructed along lot lines abutting R zoned lots for any mini-storage development.

DETAILED STAFF RECOMMENDATION:

CZ-539 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan;

CZ-539 is consistent with the anticipated future development pattern of the surrounding property therefore,

Staff recommends Approval of CZ-539 to rezone property from RE to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The subject property is located within the fenceline of Owasso. The Tulsa County Comprehensive Land Use Plan (adopted July 2019) and the Owasso Comprehensive Plan (adopted in 2014 and amended in 2016 and 2018) designates the land use as*

Commercial.

Land Use Vision:

Land Use Plan map designation: Commercial

The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern, such as the Smith Farm area, or highly visible areas, such as along US-169, SH-20, and 116th St. N. west of US-169. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: N Garnett Rd is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a single-family residence*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
N Garnett Rd	Secondary Arterial	100 Feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RE	Commercial	N/A	Single-Family
South	RE	Transitional	N/A	Single-Family
East	RE	Commercial	N/A	Single-Family
West	CG	Commercial	N/A	Vacant

SECTION III: Relevant Zoning History

History: CZ-539

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

Surrounding Property:

CBOA-2024 March 2003: The Board of Adjustment **approved** a *Variance* to permit two dwelling units on one lot of record, on property located at 11328 E. 106th Street.

TMAPC Comments:

Mr. Covey stated that Commissioner Craddock had requested that the applicant be asked if they would be willing to add additional setbacks on the east and south boundaries.

Staff advised that the only means of requiring an additional setback would be to require a PUD. But staff had a conversation with the applicant and they were willing to increase the setback.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0(Bayles, Carr, Covey, Hood, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Craddock, Zalk, "absent") to recommend **APPROVAL** of the CG zoning for CZ-539 per staff recommendation.

Legal Description for CZ-539:

N310 S/2 NW NW NW LESS BEG NWC THEREOF TH E45 S37.19 E5 S272.80
W50 N310 POB SEC 17 21 14 4.355ACS, Tulsa County, State of Oklahoma

OTHER BUSINESS

8. Commissioners' Comments

None

DRAFT

ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0(Bayles, Carr, Covey, Hood, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Craddock, Zalk, “absent”) to **ADJOURN** TMAPC meeting of March 1, 2023, Meeting No. 2885.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:11 p.m.

Date Approved:

Chair

ATTEST: _____

Secretary