

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2386

Wednesday, August 4, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Carnes	Alberty	Romig, Legal
Harmon	Coutant	Butler	
Hill	Ledford	Chronister	
Horner	Westervelt	Fernandez	
Jackson		Matthews	
Midget			
Miller			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 2, 2004 at 9:23 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, 1<sup>st</sup> Vice Chair Jackson called the meeting to order at 1:33 p.m.

### Minutes:

#### **Approval of the minutes of July 7, 2004, Meeting No. 2383**

On **MOTION** of **HARMON** the TMAPC voted 5-0-1 (Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; Bayles "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of July 7, 2004, Meeting No. 2383.

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Mr. Jackson announced that Z-6950 and PUD-686-2 were withdrawn by the applicants and would not be heard.

**SUBDIVISIONS:**

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

- L-19705 – Toni Murphy** (2405) (PD 14) (County)  
11415 East 179<sup>th</sup> Street North
- L-19718 – Steve Mackey** (9429) (PD 17) (CD 6)  
Southeast corner of East 43<sup>rd</sup> Street and Garnett Road
- L-19720 – Prominent Concrete Construction** (0318) (PD 25) (CD 1)  
¼ mile west of southwest corner of East 46<sup>th</sup> Street and Lewis
- L-19725 – Angela Gillespie** (1302) (PD 14) (County)  
12515 North Sheridan Road

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**FINAL PLAT:**

**Berryhill Estates –** (9220) (PD-9) (County)  
South of West 33<sup>rd</sup> Street and West of South 57<sup>th</sup> Avenue West

**STAFF RECOMMENDATION:**

This plat consists of four lots in one block on 29 acres.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **APPROVE** the final plat for Berryhill Estates per staff recommendation.

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**Tallgrass Office Park – (8407)**

(PD-18) (CD-8)

Southwest corner of East 79<sup>th</sup> Street South and South 101<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 12 lots in one block, on 7.5 acres.

All release letters have been received for this final plat. Staff recommends **APPROVAL** of the final plat.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HILL**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **APPROVE** the final plat for Tallgrass Office Park per staff recommendation.

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**MINOR SUBDIVISION PLAT:**

**Riverside Market Two Amended – (8320)**

(PD 18) (CD 2)

West of Riverside Parkway, North of East 101<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 3.56 acres.

The following issues were discussed July 1, 2004 and July 15, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned CS / PUD-306-H. There is an existing subdivision plat on the site and there have been lot-splits on the property. Because of the number of lot-splits previously done, there is a plat required for the current proposal. All mutual access easements need to be shown on

the plat. A trail and access easement is requested along the river.

2. **Streets:** A lot dimension for Lot 4 may be needed on the south side of the panhandle used for the access easement. Three mutual access easements need to be shown and added: 1) Lot 1 (southern) along eastern frontage to Riverside Parkway for access to lot to south, and as shown on conceptual; 2) along east-west lot line between Lots 3 and 4 where drive/road is shown on conceptual; 3) running north from west end of 50-foot mutual access easement presently shown, to access the mutual access easement; 4) above the northern Lot 1. Even though no limits of access are present in the proposed amended plat, recommend showing limits-of-no-access along Riverside Parkway with documentation and reference to the first plat. In Section I.H., limits of no access, as the plat is proposed, there are no portions of the property adjacent to Riverside Parkway designated as limits of no access; therefore this paragraph of the section could be eliminated.
3. **Sewer:** Include the existing sanitary sewer easements on plat with book and page.
4. **Water:** Show all existing water line easements. Does the south side of the 50-foot mutual access easement include the water line in the easement?
5. **Storm Drainage:** Mutual access easements need to be shown for the roads between Lots 2 and 3 to access the Feline Clinic and between Lots 3 and 4 to match the conceptual plan. A drainage easement is needed for the proposed pipe and area inlet shown on Lot 4. Show where the parking lot drains.
6. **Utilities:** Show any KAMO easement by book and page.
7. **Other: Fire:** N/A. **Transportation Planning:** Planned six-lane parkway. The Eastbank Trail abuts this development area. Relocating the trail to the west around the perimeter of the development might improve vehicular circulation and eliminate car/pedestrian conflict. No transit route in this area. Sidewalks along arterial streets should be preserved if existing or developed if non-existent. The new trail was requested, possibly in the form of a dual-purpose paved easement.

Staff can recommend **APPROVAL** of the minor subdivision plat subject to the special and standard conditions below.

#### **Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.
2. The dual purpose trail and access easement needs to be created and shown on the face of the plat.
3. Access easements need to be shown on the face of the plat.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.

11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **APPROVE** the minor subdivision plat for Riverside Market Two Amended subject to special conditions and standard conditions per staff recommendation.

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**PRELIMINARY PLAT:**

**The Tudors II** – (9213)

(PD 18) (CD 2)

Southwest corner of West 21<sup>st</sup> Street and Main Street (**continuance requested to 8/18/04 TMAPC meeting for additional TAC review**)

**STAFF RECOMMENDATION:**

Staff requests a continuance to August 18 meeting for additional TAC review.

**TMAPC Action; 6 members present:**

On **MOTION** of **HILL**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **CONTINUE** the preliminary plat for The Tudors II to August 18, 2004 at 1:30 p.m.

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**PLAT WAIVER:**

**BOA 19849** - (9335)

(PD 18) (CD 7)

6532 East 58<sup>th</sup> Street

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a Board of Adjustment case permitting a church use in a residential zone.

**Staff provides the following information from TAC at their July 15, 2004 meeting:**

**ZONING:**

TMAPC Staff: The property has been platted and is located in a residential neighborhood.

**STREETS:**

No comment.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORM DRAIN:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat and the lack of TAC concerns/comments.

**A YES answer to the following three questions would generally be FAVORABLE to a plat waiver:**

- |                                                                                               | Yes | NO |
|-----------------------------------------------------------------------------------------------|-----|----|
| 1. Has property previously been platted?                                                      | X   |    |
| 2. Are there restrictive covenants contained in a previously-filed plat?                      | X   |    |
| 3. Is property adequately described by surrounding platted properties or street right-of-way? | X   |    |

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

- |                                                                                                        | YES | NO |
|--------------------------------------------------------------------------------------------------------|-----|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan?                   |     | X  |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? |     | X  |
| 6. Infrastructure requirements:                                                                        |     |    |
| a) Water                                                                                               |     |    |
| i. Is a main line water extension required?                                                            |     | X  |

- ii. Is an internal system or fire line required? X
    - iii. Are additional easements required? X
  - b) Sanitary Sewer
    - i. Is a main line extension required? X
    - ii. Is an internal system required? X
    - iii. Are additional easements required? X
  - c) Storm Sewer
    - i. Is a P.F.P.I. required? X
    - ii. Is an Overland Drainage Easement required? X
    - iii. Is on site detention required? X
    - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **APPROVE** the plat waiver for BOA-19849 per staff recommendation.

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8501 East 21<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a change of use.

**Staff provides the following information from TAC at their April 1, 2004 meeting:**

**ZONING:**

TMAPC staff: The plat waiver is for property that is already platted, zoned OL and will be used as a doctors' office.

**STREETS:**

Right-of-way dedication is required. **This has since been dedicated.**  
Limits-of-no-access agreement is required. **This has since been dedicated.**

**SEWER:**

An extension of the sewer line is required. **This has since been determined to be unnecessary.**

**WATER:**

Okay.

**STORM DRAIN:**

Okay.

**FIRE:**

Okay.

**UTILITIES:**

Okay.

Staff can recommend **APPROVAL** of the plat waiver requested because of the existing plat on the property and the work that the applicant has done to assure compliance with the original requests of the City departments. Development Services has released the plat waiver request for approval.

***A YES answer to the following three questions would generally be FAVORABLE to a plat waiver:***

- |                                          | Yes | NO |
|------------------------------------------|-----|----|
| 1. Has property previously been platted? | X   |    |

2. Are there restrictive covenants contained in a previously-filed plat? X
3. Is property adequately described by surrounding platted properties or street R/W? X

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X

a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?

11. Are mutual access easements needed to assure adequate access to the site? X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HILL**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **APPROVE** the plat waiver for BOA-14672 per staff recommendation.

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**ACCELERATED BUILDING PERMIT:**

**Bogart Center –** (9335)

(PD 17) (CD 7)

18725 East Admiral Place

**STAFF RECOMMENDATION:**

This request is for an accelerated building permit in the Bogart Center Addition. This is requested for a shell building permit in order to "meet a contractual obligation with Holiday Inn Express".

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations.

The preliminary plat was approved on April 7, 2004 by TMAPC. The accelerated permit can be considered if the preliminary plat has been approved.

The Technical Advisory Committee did not object to the proposal and made no comments on any concerns.

Staff can recommend **APPROVAL** of the authorization for an accelerated building permit. This was the first request for an accelerated building permit that

was not for a large "campus-style" development. Staff raises the concern that this could be precedent-setting to deviate from the original purpose for the accelerated release of a building permit. This process should be reserved for unusual or exceptional circumstances and should not become routine. The subdivision platting process is purposeful and has built-in protections for the City that could be forfeited by releasing the building permit prior to filing of the final plat.

**TMAPC COMMENTS:**

Mr. Harmon stated that each application should stand on its own and not have to rely something previously approved.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin, Tulsa, Oklahoma 74120, representing the owner of Bogart Center.

**Tape was inaudible.**

Mr. Sack indicated that the request meets the intent of the Subdivision Regulations. He reminded the Planning Commission that he was a part of the Subdivision Regulations Committee when this was procedure was created.

**TMAPC COMMENTS:**

Mr. Jackson stated that TAC did not object to the proposal and made no comments on any concerns.

Mr. Sack stated that he should get the building permit in a day or so.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **BAYLES**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to **APPROVE** the accelerated building permit for Bogart Center.

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## COMPREHENSIVE PLAN PUBLIC HEARING

**Consider designation of Planning District 27 and adoption of the District 27 Plan Map and Text, a Part of the Comprehensive Plan for the Tulsa Metropolitan Area. Resolution: 2386:864.**

**WHEREAS**, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960 adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

**WHEREAS**, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

**WHEREAS**, a public hearing was held on the 4th day of August, 2004, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted Comprehensive Plan Map and Text to adopt the District 27 Plan Map and Text.

**NOW, THEREFORE, BE IT RESOLVED** by the TMAPC that the amendment to the Comprehensive Plan Map and Text, as set forth above, be and are hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

### **Related Item:**

**Consider adoption of the Major Street and Highway Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area. Resolution: 2386:865.**

### **STAFF RECOMMENDATION:**

Staff has reviewed the draft District 27 Detail Plan, a proposed amendment to the Comprehensive Plan for the Tulsa Metropolitan Area, and recommends its **APPROVAL** and **ADOPTION**. Much of the area involved has been recently annexed into the City of Tulsa and lies in Wagoner County. The Plan incorporates portions of the Fair Oaks Master Plan, which was adopted by that community previously, as well as provisions of the adopted Metropolitan Area Development Guidelines.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of the designation of Planning District 27 and adoption of the District 27 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area. Resolution 2386:864.

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of the adoption of the Major Street and Highway Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area. Resolution No.: 2386:865

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**Additional Capital Improvement Project for review and finding in accordance with the Comprehensive Plan.**

**STAFF RECOMMENDATION:**

Staff has reviewed another request for City Capital Improvement Project scheduling involving an extension of a waterline to serve Bixby. Since this is an extension of an existing project, staff finds this in accord with the adopted Comprehensive Plan for the Tulsa Metropolitan Area and recommends the TMAPC find it likewise.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of the Capital Improvement Project and find it in accord with the Comprehensive Plan per staff recommendation.

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**CITY OF TULSA ZONING CODE PUBLIC HEARING**

**Consider proposed amendments to Title 42, Tulsa Revised Ordinances, Tulsa Zoning Code Text to delete, add and modify definitions in Chapter 18, Section 1800.**

### **STAFF RECOMMENDATION:**

Mr. Alberty explained that these changes were discussed in several worksessions. Basically, this eliminates the definition of a manufactured home, which caused some confusion with modular homes versus mobile homes. The proposed amendments have redefined the definitions to reduce the confusion.

### **Delete the following definitions:**

**Dwelling, Manufactured Home:** A detached dwelling designed for transportation, after fabrication, on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, located on jacks or other temporary or permanent foundation, connection to utilities, and similar installation activities.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles.

### **Add the following definitions:**

**Dwelling, Mobile Home:** A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. ~~unit designed for transportation, after fabrication, on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, located on jacks or other temporary or permanent foundation, connection to utilities, and similar installation activities.~~

**Modular Home:** A pre-built structure, transportable in two or more sections, which is designed to be attached and located on a permanent foundation resulting in a single-family dwelling.

### **Modify the following definitions:**

**Dwelling, Single-Family Detached:** A building, other than a manufactured mobile home, containing one dwelling unit designed for occupancy by not more than one family.

**Mobile Home:** ~~A manufactured home or a manufactured home dwelling~~ A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **BAYLES**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Ledford, Midget, Westervelt "absent") to recommend **APPROVAL** of the proposed amendments to Title 42, Tulsa Revised Ordinances, Tulsa Zoning Code Text to delete, add and modify definitions in Chapter 18, Section 1800 per staff recommendation.

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**ZONING PUBLIC HEARING**

**Application No.: CZ-345**

**AG to CG**

**Applicant:** Jim Coleman

(PD-12) (County)

**Location:** North side of Highway 51, west of South 263<sup>rd</sup> West Avenue

**STAFF RECOMMENDATION:**

**CZ-339 April 2004:** A request to rezone property at the southeast corner of Highway 51 West and South 263<sup>rd</sup> West Avenue was approved involving 21 acres from AG to RMH.

**CZ-238/PUD-584 June 1998:** Approval was granted for a request to rezone a two-acre tract located east of the subject tract on the north side of Highway 51 from AG to CS with a Planned Unit Development to permit commercial, office and a mini-storage facility.

**CZ-194 November 1991:** A request to rezone a 12.5-acre tract located north of the railroad right-of-way and in the northwest corner of Highway 51 and South 265<sup>th</sup> West Avenue from AG to IL for a boat storage facility. Staff and TMAPC recommended denial of IL zoning; however, the County Commission approved the request for IL zoning.

**CBOA-1046 December 1991:** The County Board of Adjustment approved variances of the building setbacks from 75 feet to ten feet on the south; a 50-foot setback from the north property line; and an eight-foot setback on the west boundary, all of which abutted AG-zoned property, for the expansion of a boat and RV storage facility. The property is located north of the railroad at the northwest corner of Highway 51 West and South 265<sup>th</sup> West Avenue.

**CZ-181 May 1990:** A request to rezone a three-acre tract located west of the northwest corner of Highway 51 West and South 265<sup>th</sup> West Avenue, from AG to CG. TMAPC and the County Commission approved CG zoning.

**CZ-144 March 1986:** All concurred in approval of a request to rezone a .7-acre tract located on the southwest corner of Highway 51 West and Coyote Trail and west of the subject property, from AG to CS.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately eight acres. It is located on the north side of Highway 51 West between South 263<sup>rd</sup> West Avenue and South 273<sup>rd</sup> West Avenue. The property is sloping, non-wooded, vacant and zoned AG and CG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
Highway 51 West	Primary arterial	250' and varies	4 lanes

**UTILITIES:** The subject tract is served by the City of Sand Springs for water; sewer would be by septic systems or lagoons.

**SURROUNDING AREA:**

The subject property is abutted on the north by the railroad right-of-way, zoned AG; to the south, west and east by vacant land, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment. According to the Development Guidelines, this property does not meet the criteria for a medium intensity node, primarily because it is not located at an intersection.

**STAFF RECOMMENDATION:**

The proposed rezoning appears to be a clear case of spot and strip zoning. Based on the Comprehensive Plan, adjacent zoning patterns and the surrounding uses, staff recommends **DENIAL** of CG zoning for CZ-345.

**TMAPC COMMENTS:**

Mr. Harmon stated that he agrees that this would be spot zoning, but one can't find anything that isn't spot zoned along Highway 51. In response, Ms. Matthews stated that previous spot zoning doesn't make it right to spot zone with this application.

**Applicant's Comments:**

**Jim Coleman**, P.O. Box 351, Mannford, Oklahoma 74044, stated he recently purchased the subject property and it originally had the CG zoning on three acres of the property for quite some time. It is located between the railroad tracks and the highway and he could not imagine anyone wanting to do anything other than some type of commercial use.

Mr. Coleman stated that he has a PUD east of the subject of the subject property, which is mobile homes and mini-storage. The proposal would continue along the corridor between the highway and the railroad tracks and be consistent with the commercial zoning already in place for the other properties.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Coleman if there is any lesser intensity he could use on the subject property. In response, Mr. Coleman stated that he doesn't anticipate that anyone would like to have a daycare facility or office use. He further stated that he anticipates that someone would utilize it for something like a John Deer or automotive type of dealership.

**Tape inaudible.**

Mr. Coleman indicated that there are several trains per day and they are loud. He could not imagine anyone building residential uses near the railroad. It would only be suited for commercial uses.

**Mr. Midget in at 2:05 p.m.**

Mr. Harmon stated that he appreciates the work that staff has done on this application and he agrees that in the technical concept, it does not meet the criteria for CG zoning. Even though this is spot zoning, he would support a motion to approve CG zoning. He believes that CG zoning is appropriate for this particular property.

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 5-1-1 (Bayles, Harmon, Horner, Jackson, Miller "aye"; Hill "nay"; Midget "abstaining"; Carnes, Coutant, Ledford, Westervelt "absent") to recommend **APPROVAL** of CG zoning for CZ-345.

**Legal Description for CZ-345:**

A tract land in Lot 1 and Lot 2 and a part of the NE/4 of the NW/4 of Section 18, Township 19 N, Range 10 E of the I.B.M., Tulsa County, Oklahoma, lying South of the St. Louis and San Francisco Railway Company right of way and lying North of the North right of way of relocated state Highway No. 51, more particularly described as follows: Commencing at the NW Corner of said Section 18; thence S 0°04'17" W along the West line of said Section 18 a distance of 1207.31 feet tot the South line of said Railway Co. right of way and the Point of Beginning; thence N 84°14'40" E along said South line a distance of 683.88 feet; thence S 5°45'20" E a distance of 25.00feet; thence N 84°14'20" E along said South line a distance of 200.00 feet; thence N 5°45'20" W a distance of 25.00 feet; thence N 84°14'40" E along said South line a distance of 200.00 feet; thence S 5-45'20" E a distance of 50.00 feet; thence N 84°14'40" E along said South line a distance of 731.42 feet; thence S 7°32'24" W a distance of 210.67 feet to the North line of Oklahoma Sate Hwy. No. 51 right of way; thence S 86°47'34" W along said North line a distance of 1786.53 feet to the West line of said Section 18; thence N 0°04'17" E along said West line a distance of 176.51 feet tot the Point of Beginning and located at North side of Hwy 51 West of South 263<sup>rd</sup> West Avenue **From AG (Agriculture District) To CG (Commercial General District).**

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**Application No.: Z-5637-SP-1**

**Corridor Detail Site Plan  
Minor Amendment**

**Applicant:** Ted Sack

(PD-17) (CD-6)

**Location:** South of southeast corner of East 43<sup>rd</sup> and South Garnett Road

**STAFF RECOMMENDATION:**

The proposed bank, Use Unit #11, Office Studios and Support Services, is a permitted use in CO, Corridor Districts, and is in conformance with the Comprehensive Plan. The site is bounded on the south and east by undeveloped CO, on the north across 43<sup>rd</sup> Street South by offices zoned CS, and on the west across Garnett by apartment complexes zoned CO. The proposed corridor development harmonizes with existing and expected development of surrounding areas and is a unified treatment of the development possibilities of the project site.

Staff recommends **APPROVAL** of the corridor site plan subject to the following conditions: (*modifications in italics*)

**USES PERMITTED:** Use Unit #11, Office, Studio and Support Services/  
Bank with drive-through

**FAR:** 9,000 S.F.; 12%

**LAND COVERAGE:**

Main Building Area	9,000 S.F.	12%
Drive-In Canopy	3,000 S.F.	4%
Entry Canopy	150 S.F.	1%
Total:	12,150 S.F.	17%

**LANDSCAPED AREA:** 15,000 S.F. 20%

**PARKING:**

Required (1space per 300 S.F.)	30 Spaces
Provided	66 Spaces

**ACCESS\*:**

*Per Section 804 and 805.C.4 of the Zoning Code, "any corridor development's access shall be principally from internal collector service streets".*

**Garnett:**

*No access permitted.\*\**

**East 43<sup>rd</sup> Street South:**

*Approval from Traffic Engineering of the arrangement of access to East 43<sup>rd</sup> Street in relation to access from Southpark Center to the north. The access proposed is off-set to the west from the Southpark Center access.*

*\*Per Section 804.B.4. of the Zoning Code, the site plan must demonstrate vehicular and pedestrian circulation. Please note vehicular circulation on the site plan.*

\*\*TMAPC modified this proposal to allow an access point at the southwest corner of the subject property.

**PEDESTRIAN CIRCULATION\*:**

**Garnett:**

*Existing sidewalk running the length of the site.*

**East 43<sup>rd</sup> Street South:**

No sidewalk shown – must be provided along and adjacent to the site's north boundary and connect with the sidewalk on the southeast corner of Garnett and East 43<sup>rd</sup> Street South.

\*Per Section 804.B.4 of the Zoning Code, the site plan must demonstrate vehicular and pedestrian circulation. Please note pedestrian circulation on the site plan.

**BUILDING HEIGHT:**

Building & Drive-In Canopy	22 FT
Gable Feature at Entry	27 FT

**BUILDING SETBACKS:**

Centerline of Garnett Road	(Canopy 115 FT)	130 FT
Center line of 43 <sup>rd</sup> Street		95 FT
South Boundary		75 FT
East Boundary	(Canopy 50 FT)	110 FT

**SETBACKS FOR STREET YARD CALCULATIONS:**

Garnett Road	50 FT
43 <sup>rd</sup> Street	50 FT

**STREET YARD AREAS:**

Garnett Road	13,300 S.F.	
Required L/S Area	1,995 S.F.	15.0%
Provided L/S Area	4,312 S.F.	33.5%
East 43 <sup>rd</sup> Street South	11,650 S.F.	
Required L/S Area	1,748 S.F.	15.0%
Provided L/S Area	4,312 S.F.	37.8%

**STREET YARD TREES:**

Garnett Road		
Required:	1 Tree Per 1500 S.F.	9 Trees
Provided:		9 Trees*

\*Three Urbanite Ash are within 20' of an overhead power line – must be replaced by "Small Trees" as listed in the Urban Forester's Certified List of Tree Species. Please locate the overhead power line on both the site and landscape plans.

East 43 <sup>rd</sup> Street South		
Required:	1 Tree Per 1500 S.F.	8 Trees
Provided:		8 Trees

**PARKING AREA TREES:**

Number Parking Spaces Outside Street Yard:	40
--------------------------------------------	----

Required:	1 Tree Per 12 spaces	4
Provided:		6

**SCREENING:**

Site Screening	None required; none provided
Dumpster	Screened per elevations ( <i>only gate side provided/ need "typical" elevation of other sides</i> )

**LIGHTING:**

Max pole/ mounting height	22 FT
Distance of visibility of light producing element/ reflectors:	
Front:	125 FT
Side (both):	60 FT
Rear:	0.4 FT

**SIGNAGE:**

Ground:	
Permitted:	266 S.F.
Proposed:	*

*\*Provide elevations/ pictures and dimensions of existing subdivision ground sign – unable to determine compliance until this information is provided. Because there are two signs on site, 1 S.F. per lineal foot will be applied for a total of 266 S.F. permitted. Per Section 1221.C.2.c of the Zoning Code, changeable copy signs must be setback 200' from a designated residential development area. The proposed ground sign does not meet this setback. In addition, ground signs must maintain a minimum separation of 30 feet. The signs as proposed do not meet this setback.*

**Wall:**

Permitted:	3 S.F. per lineal foot of the building wall to which attached	
North:	238.5 S.F. permitted	60.6 S.F. proposed
East:	360 S.F. permitted	45.6 S.F. proposed
West:	360 S.F. permitted	44.0 S.F. proposed
South:	238.5 S.F. permitted	60.6 S.F. proposed

**Mr. Horner out at 2:10 p.m.**

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin, Tulsa, Oklahoma 74120, stated that he has addressed many of the issues that staff had concerns with. Mr. Sack submitted an aerial photograph (Exhibit A-2) and a site plan (Exhibit A-1).

Mr. Sack stated that access was an issue and he explained the difficulties with the access. He suggested that a curb cut be allowed on the southwest corner, which would be a safer point of ingress/egress. He indicated that he met with Mark Brown, Traffic Engineer, after hearing staff's concerns in order to work out a better circulation.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Sack if he was in agreement with the staff recommendation except for the southeast corner. In response, Mr. Sack stated that he is requesting an access point at the southwest corner.

Mr. Jackson asked staff if they were in agreement with Mr. Sack's revised site plan. In response, Ms. Matthews stated that staff's objection to the mutual access easement on the southwest corner and Garnett is a big unknown because of uncertainty about what is going to happen to the rest of the unplatted property.

**Inaudible.**

Mr. Harmon asked if Mr. Sack is discussing the southeast or southwest corner. In response, Mr. Sack stated that it would be the southwest corner. Mr. Harmon stated that he could support the access at the southwest corner.

Ms. Hill stated that she agrees with Mr. Harmon regarding the access on the southwest corner.

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Horner, Ledford, Westervelt "absent") to recommend **APPROVAL** of the Corridor Detail Site Plan and Minor Amendment for Z-5637-SP-1 per staff recommendation, subject to the modification allowing a point of access on the southwest corner of the subject property. (Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)

**Legal Description for Z-5637-SP-1:**

A TRACT OF LAND THAT IS PART OF THE NW/4 OF THE NW/4 OF SECTION 29, T-19-N, R-14-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE NORTHWEST CORNER OF THE NW/4 OF SAID SECTION 29; THENCE DUE SOUTH ALONG THE WESTERLY LINE THEREOF FOR 1020.00' TO THE

POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE S 89°52'05" E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 43RD STREET SOUTH AND THE WESTERLY EXTENSION THEREOF FOR 333.00'; THENCE DUE SOUTH AND PARALLEL WITH THE WESTERLY LINE OF SECTION 29 FOR 266.00'; THENCE N 89°52'05" W AND PARALLEL WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 43RD STREET SOUTH FOR 333.00' TO A POINT ON THE WESTERLY LINE OF SECTION 29; THENCE DUE NORTH ALONG SAID WESTERLY LINE FOR 266.00' TO THE POINT OF BEGINNING OF SAID TRACT OF LAND, LESS AND EXCEPT THE WESTERLY 50.00' THEREOF FOR STREET PURPOSES and located at the Southeast corner of East 43<sup>rd</sup> Street South and South Garnett Road.

\*\*\*\*\*

**OTHER BUSINESS:**

**Application No.:** PUD-564-A

**DETAIL SITE PLAN**

**Applicant:** Eric Sack

(PD-17) (CD-5)

**Location:** 8220 Skelly Drive

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for display of new and used automobiles. The proposed use is in conformance with development standards.

No buildings are proposed or are existing; therefore, building setbacks, height and floor area do not apply. No bulk trash container is proposed. Parking is in compliance with PUD development standards and the Zoning Code. The site is also in compliance with minimum landscaped area per lot and street yard area and screening requirements. The Lighting Plan meets development standards and is in conformance with the Zoning Code.

Staff recommends **APPROVAL** of **PUD-564-A Detail Site Plan** as proposed.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Horner, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-564-A per staff recommendation.

\* \* \* \* \*

**Application No.:** PUD-306-H

**DETAIL SITE PLAN**

**Applicant:** Nicole Peltier

(PD-18) (CD-2)

**Location:** 98<sup>th</sup> and Delaware.

**STAFF RECOMMENDATION:**

\*A minor subdivision plat is currently being processed for this site.

The applicant is requesting approval of a detail site plan for a new restaurant. The proposed use, Use Unit 12, Eating Establishments Other Than Drive-Ins, is in conformance with development standards.

The proposed floor area and building coverage area per lot are in compliance with development standards as applied to the current Tract B1 and as applied to the minor subdivision plat. The site also complies with building setbacks and maximum height permitted. Landscaped area provided is in compliance contingent upon approval of the minor subdivision plat.

Proposed parking is in compliance with the Zoning Code; however, proposed parking lot lighting per the Lighting Plan does not comply with the Zoning Code regarding shielding and visibility of the light-producing elements and/or reflectors.

Twenty-four foot wide driveway connections are proposed on the site's southeast corner to provide access through the Johnny Carino's site from the abutting property to the south and the Outback Steakhouse site. This access must be included within a mutual access easement. Also, a 26' wide (13' each side) mutual access easement is required along the new north lot line (being created through the minor subdivision plat) to assure parking is in compliance with the Zoning Code.

The proposed elevations and site plan indicate that no public orientation is given to the Arkansas River and future proposed development. Staff has encouraged the applicant to reconsider the building's orientation to provide outdoor seating and/or access from the river side (west) and future pedestrian way so as to enhance and benefit from future development and activity along the Arkansas River.

Staff recommends **APPROVAL** of PUD-306-H detail site plan contingent upon approval of a complete lighting plan in compliance with PUD standards and the zoning code; and the filing of, or inclusion in the minor subdivision plat of the mutual access easement covering the 24' drive which connects the abutting property to the south and the Outback Steakhouse site, and the mutual access easement (13' each side) along the site's new north lot line.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

**TMAPC COMMENTS:**

Commissioner Miller asked staff what would buffer the back of the restaurants in order to have curb appeal for the future river development. In response, Ms. Matthews stated that it would have to be an administrative decision by the TMAPC and City of Tulsa regarding orientation, landscaping, etc.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Horner, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-306-H, subject to approval of a complete lighting plan in compliance with PUD standards and the zoning code; and the filing of, or inclusion in the minor subdivision plat of the mutual access easement covering the 24' drive which connects the abutting property to the south and the Outback Steakhouse site, and the mutual access easement (13' each side) along the site's new north lot line per staff recommendation.

\* \* \* \* \*

**Application No.:** PUD-587

**DETIAL SITE PLAN**

**Applicant:** Doug Huber

(PD-18) (CD-8)

**Location:** Southwest corner of 81<sup>st</sup> and Yale

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new medical office. The proposed use, Use Unit #11, Office, Studios and Support Services, is in conformance with development standards.

Proposed parking, lighting and landscaped area comply with the Zoning Code and development standards, as well as does proposed building height and floor area. The building meets established west and south setbacks. The north and east setbacks are to be determined at site plan review. Staff recommends a ten-foot setback from the north and 11' setback from the east, with which the site plan is in compliance. Exterior façades are consistent in material and style as required by development standards.

Access to the site is from a single drive onto a 45' mutual access easement. A recently-approved bank will be developed on the abutting site to the north (no direct access between sites is proposed or recommended); and a new bank is being built on the abutting site to the east (no direct access between sites is proposed or recommended).

Staff recommends **APPROVAL** of **PUD-587 Detail Site Plan as proposed**.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Bayles, Harmon, Hill, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Carnes, Coutant, Horner, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-587 per staff recommendation.

\*\*\*\*\*

Commissioners' Comments:

Inaudible.

There being no further business, the Chair declared the meeting adjourned at 2:25 p.m.

Date Approved:

September 1, 2004

Chairman

ATTEST:   
Secretary

