

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2433

Wednesday, January 4, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Cantees	Alberty	Boulden, Legal
Bayles		Fernandez	
Bernard		Huntsinger	
Carnes		Matthews	
Collins			
Harmon			
Hill			
Horner			
Jackson			
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, December 28, 2006 at 4:10 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 Bayles called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of November 2, 2005, Meeting No. 2429

On **MOTION** of **HILL** the TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Collins "absent") to **APPROVE** the minutes of the meeting of November 2, 2005, Meeting No. 2429.

Minutes:

Approval of the minutes of November 16, 2005, Meeting No. 2430

On **MOTION** of **HILL** the TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees, Collins "absent") to **APPROVE** the minutes of the meeting of November 16, 2005, Meeting No. 2430.

REPORTS:

Chairman's and Worksession Report:

Ms. Bayles reported that the Arkansas River Corridor Plan and the Comprehensive Plan update were discussed during the December 21st worksession and these two items will be on the Planning Commission agenda for 2006.

Director's Report:

Mr. Alberty reported on the City Council agenda.

TMAPC COMMENTS:

Ms. Hill asked for the status on the issue regarding the street closing at the new development (located on the former Children's Medical Center site) on 46th Street and Fulton.

Mr. Alberty stated that this issue has been continued and sent back to the committee meetings.

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Mr. Midget out at 1:33 p.m.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19904 – Mike Marrara (9325) (PD 18) (CD 5)

4501 South 86th East Avenue

L-19910 – Spirit Homes (1317) (County)

2421 East 96th Street North

L-19912 – Tanner Consulting (8307) (PD 18) (CD 2)

East 74th Place and South Wheeling Avenue

L-19913 – Tanner Consulting (8307) (PD 18) (CD 2)

East 74th Place and South Wheeling Avenue

L-19915 – Steven Novick (9308) (PD 4) (CD 4)

2715 East 15th Street

L-19916 – Janine VanValkenburgh (8305) (PD 18) (CD 9)

6336 South Harvard

L-19918 – White Surveying (0329) (PD 3) (CD 3)

Southwest corner of West Queen and Evanston Place

L-19919 – White Surveying (0329)

(PD 3) (CD 3)

South of southwest corner of West Queen and Evanston Place

STAFF RECOMMENDATION:

Mr. Alberty informed the Planning Commission that these items should be stricken from the agenda due to the fact that the Planning Commission has already acted on these lot-splits.

STRICKEN.

Commissioner Collins in at 1:35 p.m.

Ms. Bayles requested Mr. Alberty to read the opening statement.

PLAT WAIVERS:

(9225) – Northwest corner of East 49th Street South and Peoria Avenue

(PD 6) (CD 9)

STAFF RECOMMENDATION:

The platting requirement was triggered by a requested parking area use.

Staff provides the following information from TAC at their December 15, 2005 meeting:

ZONING:

TMAPC staff: The plat waiver is for property zoned OL.

STREETS:

Please confirm the 50-foot right-of-way and the existing Limits of No Access or provide same as a separate instrument. Dedicate a 30-foot intersection radius or request a waiver.

SEWER:

No comment.

WATER:

An existing 12-inch water line is along the east side of Peoria Avenue, and an existing six-inch water main is along the south side of East 49th Street South. The existing 36-inch water main on the west side of Peoria cannot be tapped.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested. The site is in a platted lot and right-of-way is defined.

A YES answer to the following 3 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		X
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

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

	YES	NO
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; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **APPROVE** the plat waiver located at northwest corner of East 49th Street South and Peoria Avenue per staff recommendation.

FINAL PLAT:

Crossing at 86th Street Phase 1 – (1326)

(County)

Southeast corner of East 86th Street North and North Sheridan Road

STAFF RECOMMENDATION:

This plat consists of 56 lots in seven blocks on 48.67 acres.

Staff has received all of the release letters and recommends **APPROVAL**.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **APPROVE** the final plat for Crossing at 86th Street Phase I per staff recommendation.

Tuscany Pointe – (9419)

(PD 17) (CD 5)

3851 South 103rd East Avenue

STAFF RECOMMENDATION:

This plat consists of four lots in one block on 3.3 acres.

Staff has received all of the release letters and recommends **APPROVAL** subject to the approval of Legal.

Mr. Ard announced that he will be abstaining from this item.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-1 (Bayles, Bernard, Carnes, Collins, Harmon, Hill, Horner, Jackson, "aye"; no "nays"; Ard "abstaining"; Cantees, Midget "absent") to **APPROVE** the final plat for Tuscany Pointe per staff recommendation.

Mr. Midget in at 1:36 p.m.

CHANGE OF ACCESS ON RECORDED PLAT:

Lot 1, Block 2, Caven-Wood Addition – (0213)

(PD 18 C) (CD 7)

8506 East 61st Street

STAFF RECOMMENDATION:

This application is made to allow a change of access along 61st Street. The property is zoned OM.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC 10-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Hill, Horner, Midget, Jackson "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the change of access for Lot 1, Block 2, Caven-Wood Addition per staff recommendation.

ZONING PUBLIC HEARING

CZ-372 – Sisemore Weisz

RS to IM

East of southeast corner of West 21st Street & 49th West Avenue

(County)

STAFF RECOMMENDATION:

CBOA-2113 July 2004: The County Board of Adjustment approved a request for a special exception to allow mining of dirt in an IM district and a variance of street frontage from 50' to 0', finding there is a road easement to access the property.

CBOA-1489 March 1997: The County Board of Adjustment approved a special exception to permit a recycling facility, Use Unit 27, in an IM district, per plan and with conditions.

CZ-186 December 1990: A request to rezone a three-acre tract from RS to IH or CH located west of the southwest corner of 49th West Avenue and West 21st Street South. All concurred in denial of IH and CH and the approval of IM zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 40 acres in size and is located east of the southeast corner of West 21st Street and South 49th West Avenue, Tulsa, Oklahoma. The property is mostly wooded and zoned RS.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
West 21 st Street	Primary arterial	120'	2 lanes

UTILITIES: The subject property is served by City of Tulsa water and no sewer.

SURROUNDING AREA: The property is abutted on the north by industrial buildings, zoned IM and IH; on the west by a small parcel with a single-family dwelling, zoned AG and industrial buildings with some vacant land that is zoned IM; on the south by a few industrial buildings zoned IM; and on the east by a reservoir that is zoned RS and owned by the City of Tulsa.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Special District 1-Transitional Area with no specific land use intensity designated. The requested IM zoning **may be found** in accord with the Zoning Matrix by virtue of its location within a Special District.

STAFF RECOMMENDATION:

The property in question is surrounded on three sides by IM-zoned land and uses. On the east lies City property that, although zoned RS, has a Public Works facility on it. Therefore, based on surrounding land uses, the District 9 Detail Plan and zoning patterns in the area, staff can support this request and recommends **APPROVAL** of IM zoning for CZ-372.

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 **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Cantees "absent") to recommend **APPROVAL** of the IM zoning for CZ-372 per staff recommendation.

Legal Description for CZ-372:

All of the Northeast Quarter of the Northwest Quarter (NE/4, NW/4) of Section 16, T-19-N, R-12-E of the IBM, containing 40.0 acres more or less and located east of the southeast corner of West 21st Street South and South 49th West Avenue, Tulsa, Oklahoma. **From** RS (Residential Single-family District) **To** IM (Industrial Moderate District).

PUD-579-A-5 – Bart C. James

(PD-18) (CD-8)

Southwest corner of East 79th Street South and South 101st East Avenue
(Minor Amendment to split Lot 3, Block 1, Tall Grass Office Park into two tracts.)

Mr. Ard announced that he will be abstaining from this item.

STAFF RECOMMENDATION:

The applicant proposes to split Lot 3, Block 1, Tall Grass Office Park into two tracts. Tract "A" will comprise approximately 15,865 square feet, or 0.364 acres. Tract "B" will comprise approximately 15,842 square feet, or 0.364 acres. Current development standards permit the following.

Permitted Uses:

Church, nursing home, schools, private clubs as permitted in Use Unit 2; community centers, as permitted in Use Unit 5; townhouse dwellings and multifamily dwellings; offices and studios as permitted in Use Unit 11; and uses customarily accessory to permitted uses.

Maximum Building Height:

Multifamily residential	45 FT
Other dwellings	35 FT
Offices	52 FT

Other Uses:

As approved by the TMAPC as part of Detail Site Plan Review.

Off-Street Parking:

As required for the applicable use by the Tulsa Zoning Code.

Minimum Building Setbacks:

From the west boundary of the Development Area A:

Ten feet plus two feet of setback for every foot of building height above 15 feet.

From Collector Street right-of-way	25 FT
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Minimum Land Area per Dwelling Unit per lot:

Multifamily Dwellings	1,750 SF
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Maximum Building Floor Area Ratio (Offices) per Lot:	.50
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Maximum Building Land Coverage per lot (all uses):	30%
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Other Bulk and Area Requirements:

Development Type:

Multifamily	As established within an RM-1 District
Townhouse dwellings	As established within a RT District
Offices	As established within the OM District

Signs:

Dwellings and Other Uses:	As permitted in the RM-1 District
Offices	As permitted in the OM District

The lots are intended for office use and can be developed in accordance with the existing development standards.

Staff finds the proposed request to be minor in nature and recommends **APPROVAL** of PUD-579-A-5 as proposed.

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 **HARMON**, TMAPC 9-0-1 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Hill, Horner, Midget Jackson, "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minor amendment for PUD-579-A-5 per staff recommendation.

Legal Description for PUD-579-A-5:

Lot 3, Block 1, Tallgrass Office Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS:

Application No.: PUD-132 **DETAIL SITE PLAN**

Applicant: Tanner Consulting, LLC **(PD-6) (CD-9)**

Location: East 31st Street and South Columbia Circle

STAFF RECOMMENDATION:

The applicant proposes a gated entry for an existing subdivision, the Trees, approved by TMAPC in 1972. The PUD concept, standards and plat provided for a private roadway with a single access point and a security guardhouse at the

entrance. Although the existing perimeter walls extend approximately six inches into the East 31st Street South right-of-way, the proposed gated entry and new support walls will be located entirely on private property. The proposed gated entry has been reviewed and recommended for approval by Traffic Engineering and the Fire Marshal.

Staff recommends **APPROVAL** of the detail site plan for PUD-132 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; 10 members present:

On **MOTION** of **HARMON**, TMAPC 10-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Hill, Horner, Midget Jackson, "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the detail site plan for PUD-132 per staff recommendation.

Update and Memo on County Zoning Cases CZ-362 through CZ-367 appeals.

STAFF COMMENTS:

Ms. Matthews presented the following Memo:

The Tulsa County Board of Commissioners, at their December 19, 2005 meeting, voted unanimously to refer County zoning cases CZ-362-367 in North Tulsa County back to the TMAPC for review of the additional information that the applicants' attorney, John Moody, provided immediately prior to yesterday's County Commission meeting. Staff did not have the opportunity to review this information in advance of the meeting and felt the Planning Commission and the City of Owasso needed time to review it.

If you recall, these cases involved properties north and south of 96th Street North near North 136th East Avenue, currently zoned AG and RS, requesting OM rezoning. Approximately eleven properties were included.

This will be brought back as an agenda item on a TMAPC meeting after the City of Owasso has had a chance to act and comment on the suggestions offered by Mr. Moody and his clients. I am told by Owasso officials that the first opportunity

for their review will be at their Planning Commission meeting the second week of February, 2006. I will await their comments before developing our staff review.

Ms. Matthews reported that she believes that Mr. Moody has withdrawn his modifications and now it is back to the BOCC to determine these cases.

Mr. Boulden stated that he has reviewed correspondence from Mr. Moody, dated December 28, 2005, which he expressed some legal concerns. Mr. Boulden indicated that he doesn't have any legal concerns with the issues that Mr. Moody has discussed in his letters. The Planning Commission acted on the original applications within the time period allowed.

No action needed.

TMAPC ELECTION OF OFFICERS:

Mr. Horner announced the following nominations for office:

Mr. Bernard, Chair; Mr. Ard, 1st Vice Chair; Mr. Carnes, 2nd Vice Chair; and Mr. Jackson, Secretary.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC 10-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Hill, Horner, Midget Jackson, "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the nominations for office as follows: Mr. Bernard, Chair; Mr. Ard, 1st Vice Chair; Mr. Carnes 2nd Vice Chair; and Mr. Jackson, Secretary.

Mr. Midget stated that he would like to thank the Planning Commission's able Chairperson, Stacey Bayles, for her work this past year. He commented that he appreciates her diligence and time she has given to the community.

Ms. Bayles thanked Mr. Midget for his comments. She stated she couldn't have chaired without the help of Ms. Hill, 1st Vice Chair.

There being no further business, the Chair declared the meeting adjourned at 1:48 p.m.

Date Approved:

2/1/06



Chairman

ATTEST:



Secretary

