

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2470

Wednesday, February 7, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard		Alberty	Boulden, Legal
Bayles		Butler	
Cantees		Fernandez	
Cantrell		Matthews	
Carnes			
Harmon			
Midget			
Miller			
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 1, 2007 at 2:20 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 Ard called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Ard recognized Mr. Mike Bernard for his service on the TMAPC.

Mr. Bernard stated that he does miss the TMAPC and he does appreciate the time and investment that the members put into Planning Commission. Mr. Bernard encouraged the members to continue serving as long as possible.

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

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Ard asked staff if all of the Zoning Code amendments in the "B" list were approved or continued. In response, Mr. Alberty stated that the entire list was continued and there wasn't a date certain for the City Council public hearing.

Comprehensive Plan Report:

Mr. Pat Treadway reported on updating the Comprehensive Plan. Mr. Treadway explained how the process would begin by creating a steering committee.

Randi Miller asked if this is for the Comprehensive Plan within the City of Tulsa and not the unincorporated areas of Tulsa County. In response, Mr. Treadway answered affirmatively. Step A is the City of Tulsa and Step B is the unincorporated areas. Mr. Treadway indicated that Step A would take one to three years.

Ms. Bayles in at 1:43 p.m.

Minutes:

Approval of the minutes of January 17, 2007, Meeting No. 2468

On **MOTION** of **HARMON** the TMAPC voted 9-0-0 (Ard, Bayles, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minutes of the meeting of January 17, 2007, Meeting No. 2468.

Minutes:

Approval of the minutes of January 24, 2007, Meeting No. 2469.

On **MOTION** of **MIDGET** the TMAPC voted 9-0-0 (Ard, Bayles, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Cantees "absent") to **APPROVE** the minutes of the meeting of January 24, 2007, Meeting No. 2469.

Ms. Cantees in at 1:45 p.m.

Minutes:

Approval of the amended minutes of September 20, 2006, Meeting No. 2458

On **MOTION** of **HARMON** the TMAPC voted 9-0-1 (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Wofford "aye"; no "nays"; Shivel "abstaining"; none "absent") to **APPROVE** the amended minutes of the meeting of September 20, 2006, Meeting No. 2458.

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.

- a. **L-20046 – Sack & Associates** (9307)/Lot-split (PD 6) (CD 4)
1825 East 15th Street
- b. **L-20048 – Royce Skocdopole** (6304)/Lot-split (County)
18916 South Yale Avenue
- c. **L-20050 – Melody Treece** (9031)/Lot-split (County)
25981 West 54th Street
- d. **L-20051 – Sisemore Weisz & Associates** (8418)/Lot-split (PD 18) (CD 8)
Southwest corner East 81st Street and 101st East Avenue
- e. **L-20053 – RealPro** (9234)/Lot-split (PD 8) (CD 2)
2016 West 57th Street
- f. **L-20055 – Paulino Allande** (9301)/Lot-split (PD 5) (CD 3)
511 South 85th East Avenue
- g. **Trenton Lofts at Cherry Street-** (9307)/Final Plat (PD 6) (CD 4)
1432 South Trenton Avenue
- h. **PUD-726-1 – Tanner Consulting, LLC/Minor Amendment** (PD-26) (CD-8)
East 116th Place South and South Delaware Avenue
(Minor Amendment for the purpose of amending the height restriction on signage from four feet to eight feet three inches.)
- i. **PUD-726 – Tanner Consulting, LLC/Detail Site Plan** (PD-26) (CD-8)
East side South Delaware Avenue, including East 116th Place South and East 118th Street South (Detail Site Plan for gated entries and perimeter walls for the Scissortail at Wind River residential subdivisions.)
- j. **PUD-718 – Brad Lewis/Detail Site Plan**
1320 East 35th Place (Detail Site Plan for eight townhouses.)
- k. **PUD-435-C – Wallace Engineering/Detail Site Plan** (PD-18) (CD-7)
6665 South Yale Avenue (Detail Site Plan for a medical research building and parking garage.)

TMAPC COMMENTS:

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 5.C. through 5.G. per staff recommendation.

PUBLIC HEARING:

Oxford Court – (9426)/Preliminary Plat

(PD-17) (CD-6)

South of southwest corner of East 41st Street South and 177th East Avenue

STAFF RECOMMENDATION:

This plat consists of 179 lots, eight blocks, on 56.69 acres.

The following issues were discussed January 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is pending RS-3 zoning.
2. **Streets:** Provide statement on face of plat stating sidewalks are to be constructed on all streets. Provide standard language for sidewalk construction. Subdivision Regulations require sidewalks to be shown; they are absent on the submittal. Dimension the size and location for the Traffic Island on 44th Street in Reserve C. Include legal description.
3. **Sewer:** Lot 20, Block 3, identify easement width for the south and west utility easement. Increase the easement width in back of Lots 18 and 19, Block 1 to a 17.5-foot utility easement. Same for Lots 6 and 7, Block 8. Between Lots 21 and 22, Block 4, increase the utility easement to 15 feet. A 15-foot wide easement is the minimum acceptable width for an easement with a sanitary sewer line in it. The sewer will be located in the center and the pipe shall be DIP (ductile iron pipe). The following comments are from Engineering Wastewater Design: 1.) A manhole is to be placed in Lot 7, Block 7, at the southernmost end of the lot. This will provide both the maximum number of connections to the property to the west and for main

line extensions to the south and west. 2.) The sewer line should be extended between manholes 55 and 12. 3.) The line between manhole 12 and the new manhole in Lot 7, Block 7, must flow to the north instead of the south. 4.) The depth of the line between manhole 12 and the new manhole in Lot 7, Block 7, must be deep enough to serve the unplatted area to the west. 5.) The sewer line between manhole 53 and the new manhole in Lot 7, Block 7 must be removed. 6.) The 12-inch line that runs through the property needs to be placed deep enough to insure that it can serve the entire 80 acres west of this addition. 7.) The location of the 12-inch crossing of Lynn Lane needs to be coordinated with the Cypress Creek development to the east, so that the 12-inch sewer line being extended through their development is not built in the wrong location. 8.) There are multiple utility lines that cross the proposed sewer line. Be sure to maintain adequate separation to meet City of Tulsa Criteria. Lift Station fees will need to be collected for the acreage going into the lift station as well as Broken Arrow development fees and excess capacity fees.

4. **Water:** All dead ends to have blow off hydrants and valves. Lot 23, Block 8 – There is a box that appears to be drafting leftovers. East 44th Place South – There is no waterline shown in the cul-de-sac. Add a waterline. No fire hydrants or valves are shown. Show them. Make sure it meets requirements. Add Atlas page 460 to the Title Block. See handout for design element requirements.
5. **Storm Drainage:** Off-site stormwater drainage flowing onto this site from the west must be intercepted at the west property line, and thence be conveyed in a public overland drainage easement and/or in a public storm sewer pipe system. Non-stormwater easements cannot encroach into the side slopes and/or embankments of the stormwater detention facilities located in Reserve Areas A and B. Many drainage system symbols have been used, which must be labeled. Please define them in the legend. Please label Reserve Area A on sheet 3. If the public drainage from the west is conveyed overland, then the standard language for overland drainage easements must be added. Does Reserve Area B outlet to a manhole? Are there really two outlets for Reserve Area A?
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements may be needed.
7. **Other: Fire:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1.) For group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2.) For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the

distance requirement shall be 600 feet. Fire Chief shall approve the installation of security gates across a fire apparatus access road. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Presentation drafting is deficient. Remove water, stormwater, and sanitary sewer lines from face of plat. Adhere to standard drafting practices when using a master sheet with subsequent enlarged area sheets; orientations are inconsistent and information is inconsistent and/or inappropriate. Numerous labels overlap each other and are unreadable; please revise as needed. Add a suffix to the arterial to read "Lynn Lane Road". An accurate legal is required.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and 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.

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; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Oxford Court subject to special conditions and standard conditions per staff recommendation.

Copper Oaks Office Park – (8327)/Preliminary Plat (PD-26) (CD-8)

South and west of southwest corner of East 101st Street South and Sheridan Road

STAFF RECOMMENDATION:

This plat consists of eight lots, one block, on 2.53 acres.

The following issues were discussed January 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 431C. Discussion about the access being a mutual access easement "driveway" versus a private street was held. The PUD was approved as a private street and needs to meet private street requirements.
2. **Streets:** The mutual access easement needs to become a private street named East 102nd Street South for emergency response purposes.

Recommend sidewalks along all mutual access easement frontages. Recommend provisions for sidewalks and their maintenance. Recommend that the ownership and maintenance of the existing north to south mutual access easement that is currently shown as part of Lot 1 be clearly described in the covenants per the PUD recommendations.

3. **Sewer:** Add easement across the mutual access easement for the sanitary sewer line crossing, or make the mutual access easement a utility easement as well. From Wastewater Design: 1.) The ten-foot restricted waterline easement cannot overlap the utility easement. 2.) The sanitary sewer must be in a restricted sewer easement. A ten-foot easement will work if it abuts the restricted waterline easement. 3.) Use arrows to clarify which line is the waterline easement, etc. Include utility easement in the mutual access easement description, or add easement for the sanitary sewer to the face of the plat. The line tying to does not exist. It will be constructed under the same sanitary sewer improvement district (SSID) project as the one shown on these plans.
4. **Water:** The waterline must be a fully looped six-inch waterline for a fire hydrant to be installed. The building line overlaps the restricted waterline by five feet. Make the building line match the waterline easement at the end of the hammerhead, to prevent house from being built over waterline. There should be a valve in between the two at the road. Will the elevation of the sanitary clear the water per ODEQ? Is there a 20-foot building line? The waterline, this line shows tying into, is not shown on our atlas. Is this a new development that is complete? What is the distance between the edge of the waterline and the waterline?
5. **Storm Drainage:** Add a note to the face of plat stating that the stormwater detention required for this site is being provided off-site in Reserve B of the South Tulsa Baptist Church extended subdivision. Add the standard language for off-site stormwater detention maintenance, and include the maintenance responsibility for the owners of each of these eight lots and their owners' association. Add language stating that roof drainage and parking lot drainage will be collected and/or conveyed to the street and thence be piped to the off-site stormwater detention facility. Also, add this use to Section 1.1.9. Is the existing storm sewer system, which extends from the access road into this subdivision to the northwest corner of the existing Reserve B storm water detention facility currently in place?
6. **Utilities: Telephone, PSO, ONG, and Cable:** Additional easements may be necessary.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and 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.

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; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Copper Oaks Office Park, subject to special conditions and standard conditions per staff recommendation.

Shipley Subdivision – (8305)/Preliminary Plat (PD-18) (CD-2)

6336 South Harvard (continued from 12/6/06, 1/17/07, and another continuance is requested until 2/21/07 to allow for City Council review of PUD standards.)

Mr. Ard stated that staff has requested a continuance for this plat.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the preliminary plat for Shipley Subdivision to February 21, 2007.

Application No.: PUD-132-2

MINOR AMENDMENT

Applicant: Pat Fox

(PD-6) (CD-9)

Location: South of the southeast corner of 31st Street South and Columbia

TMAPC COMMENTS:

Mr. Ard stated that the adjacent property owners have requested a continuance.

Ms. Matthews stated that staff understands that both the property owner and the adjacent property owner are in agreement with the request for a continuance.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the minor amendment for PUD-132-2 to February 21, 2007.

Application No.: Z-7050

PK TO CS

Applicant: Malcolm E. Rosser, IV

(PD-18) (CD-7)

Location: East of the northeast corner of South Memorial Drive and East 71st Street.

STAFF RECOMMENDATION:

Z-7047/PUD-736 January 2007: All concurred in approval of a request to rezone a 7.57+ acre tract from PK to CS and a Planned Unit Development to permit retail, commercial and hotel uses on property located northwest of the northwest corner South Mingo Road and East 71st Street and located just northeast of subject property.

PUD-186-A May 2002: All concurred in approval of a request to rezone at 2.97+ acre tract from RM-1 to CS and a proposed Major Amendment to PUD, on property located on the east side of South 85th East Avenue and south of East 66th Street South. The original PUD approved and restricted this property to a public library but the Major Amendment allows for retail and office uses.

Z-6831/PUD-179-Y October 2001: All concurred in approval of a request to rezone from RS-3 to OL and a Major Amendment to PUD, on a 4.12+ acre tract, to permit additional office floor area to a previously approved commercial and office use development on property located south of southeast corner of East 71st Street and South 85th East Avenue.

BOA-17807 August 1997: The Board of Adjustment approved a variance of the frontage requirements within a CG and PK district in order to transfer ownership of parking lots from one owner to the other within the Mall development. The transfer of these tracts was required in order for Dillard's to meet their parking requirements due to the expansion of the store. The property is located north of the subject tract.

Z-6478/PUD-179-T March 1995: All concurred in approval of a request to rezone a 1+ acre tract from OL to CS and a proposed Major Amendment to PUD to allow Use Unit 19 for a hotel use; to increase building height to 3 stories and to

amend setbacks with a condition of no accessory bar use in permitted hotels and motels.

PUD-507 February 1994: All concurred to approve a request to rezone a 25.4± acre tract from AG to CS/RM-1/PUD for a mixed use development, on property located south and east of the southeast corner of E. 71st Street S. and S. Memorial Drive abutting the subject tract on the south across 71st Street.

PUD-235-A: All concurred in approval of a proposed Major Amendment to PUD on a 5± acre tract of land for commercial uses excluding Use Unit 12A and dance halls on property located west of the northwest corner of South Mingo Road and East 71st Street.

Z-6340/PUD-479 February 1992: All concurred to approve a request to rezone a 5± acre tract located southeast of Woodland Hills Mall and abutting the subject tract to the east, from PK and AG to CS on the south 330' fronting onto E. 71st Street S. and the balance to remain PK and AG.

PUD-179-0 December 1988: All concurred to approve a request for a major amendment to PUD-179 to allow a dry cleaning business on property located east of the southeast corner of 71st Street S. and S. Memorial.

Z-6166/PUD-179-0 August 1987: Staff recommended approval of CS zoning to a maximum depth of 330' from the centerline of E. 71st Street on a six acre tract located east of the southeast corner of E. 71st Street and S. Memorial Drive. This approval was subject to final approval of amendments to the Development Guidelines of District 18 Comprehensive Plan Map and Text which designated the area along E. 71st Street as a Medium Intensity Special Consideration Area.

BOA-13835 November 1985: The Board of Adjustment approved a variance of the required frontage on a public street to allow a lot-split. The anchor stores and the mall own the parking areas and the expansion of an anchor store precipitated additional parking. The requested lot-split was requested in order to balance the shared parking for all mall occupants. The property is located north of the subject tract.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.93± acres in size and is located east of northeast corner of South Memorial Drive and East 71st Street. The property is a parking lot zoned PK.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 71 st Street	Primary Arterial	120'	6

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on all sides by a wide mix of commercial, office and residential uses, with zoning designations of OL, CS, CG, AG (used as a buffer immediately south of the subject property) and RM-1. This is the Woodland Hills Mall and related mixed uses.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being in Special District 3 – Commercial Complex. Policies in section 3.1.3 of the District 18 Plan recommend that intensities allowed here be the same as those allowed under the high intensity areas of the district, and that proposed uses here be limited to commercial, office, residential and cultural/shopping activities as characteristic of a large regional consumer-oriented development, among other provisions. Other provisions in section 3.1.3 relate to provision of adequate utilities. According to the Zoning Matrix, the requested CS zoning is in accord with the Plan.

STAFF RECOMMENDATION:

As development and redevelopment continues in the Woodland Hills Mall area, use transitions such as this also continue. Based on the Comprehensive Plan, existing uses and zoning and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-7050.

*Staff notes for the record that the Woodland Hills development, which was done in the early 1970s, was done under straight zoning and not through a PUD. If approved, on the subject property, this rezoning will trigger the need for a replat at which time various other site requirements must be addressed (i.e., parking, circulation, pedestrian access, lighting, drainage and similar site characteristics).

Applicant's Comments:

Malcolm Rosser, 321 South Boston, Suite 500, Tulsa, Oklahoma 74103, stated that he is representing the applicant. The applicant is Simon Property Group, the owner of Woodland Hills Mall. This rezoning is requested to allow for a restaurant use (Cheesecake Factory). Mr. Rosser submitted photographs (Exhibit A-1) and described the surrounding restaurants and uses in the subject area. Mr. Rosser indicated that he is in agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the CS zoning for Z-7050 per staff recommendation.

Legal Description for Z-7050:

ALL THAT PART OF THE SW/4 OF SECTION 1, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SW/4 ALSO KNOWN AS THE SOUTHEAST CORNER OF BLOCK 1 'WOODLAND HILLS MALL' THENCE DUE WEST ALONG THE SOUTH LINE OF SAID SECTION 1 A DISTANCE OF 114.91'; THENCE NORTH A DISTANCE OF 60.00' TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 71ST STREET SOUTH ALSO KNOWN AS THE POINT OF BEGINNING; THENCE WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 589.02'; THENCE ALONG A CURVE TO RIGHT WITH A RADIUS OF 50.00' AND A DELTA OF 53°07'29" FOR A DISTANCE OF 46.36'; THENCE NORTH FOR A DISTANCE OF 115.00'; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 40.00' AND A DELTA OF 89°59'50" FOR A DISTANCE OF 62.83'; THENCE EAST FOR A DISTANCE OF 380.69'; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 150.00' AND A DELTA OF 45°00'00" FOR DISTANCE OF 117.81'; THENCE N 45°00'00" E FOR A DISTANCE OF 7.31'; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 45.00' AND A DELTA OF 101°54'36" FOR A DISTANCE OF 80.04'; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 170.00' AND A DELTA OF 33°05'36" A DISTANCE OF 98.19'; THENCE SOUTH FOR A DISTANCE OF 104.03'; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 50.00' AND A DELTA OF 53°07'29" FOR A DISTANCE OF 46.36' TO THE POB, **From PK (Parking District) To CS (Commercial Shopping Center District).**

Application No.: PUD-736-1

MINOR AMENDMENT

Applicant: Charles E. Norman

(PD-18) (CD-7)

Location: 1/8 mile north of East 71st Street South adjacent to Woodland Hills Mall Ring Road

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-736 for the purpose of transferring 4,966 square feet of floor area from Development Area A to Development Area B to allow for the construction of a hotel. PUD-736 was recommended for approval by TMAPC on December 20, 2006 and was approved by Council on January 25, 2007 for commercial and hotel uses. Development Area A has frontage on the Mall Ring Road and will be developed as a small

retail center; Development Area B adjacent to the east will be developed as a hotel use.

Floor Area Currently Permitted by PUD-736:

	<u>Area</u>	<u>Maximum Building Floor Area</u>
Development Area A	4.42 AC	84,966 SF
Development Area B	3.16 AC	80,000 SF

Floor Area Proposed by PUD-736-1:

	<u>Area</u>	<u>Maximum Building Floor Area</u>
Development Area A	4.42 AC	80,000 SF
Development Area B	3.16 AC	84,966 SF

Staff finds the proposed amendment to be minor in nature and in conformance with the spirit and intent of PUD-736. Therefore, staff recommends **APPROVAL** of PUD-736-1 as proposed.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-736-1 per staff recommendation.

OTHER BUSINESS:

Refund Request – L-20061 – White Surveying

8635 West 21st Street South

STAFF RECOMMENDATION:

The applicant applied to split a small parcel off one tract to attach it to the abutting tract. It was determined, however, that part of the subject property was located within Sand Springs' City Limits. The owner is requesting that the portion located within the unincorporated part of Tulsa County be annexed into Sand Springs City Limits, removing it from the TMAPC's jurisdiction.

Staff recommends **APPROVAL** of a full \$100.00 refund of the lot-split application fee.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the refund of \$100.00 for L-20061 per staff recommendation.

Refund Request – Z-7049 – James King

1115 North Utica Avenue

STAFF RECOMMENDATION:

The applicant applied for a zoning change from CH to IL. Prior to mailing notices the applicant withdrew this case and requested a refund. After reviewing this application, staff recommends **APPROVAL** of a refund in the amount of \$854.00.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Harmon, Midget, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the refund request for Z-7049 in the amount of \$854.00 per staff recommendation.

Discuss River Corridor Development Zoning

Mr. Alberty stated that this is an issue that has been raised by the current administration. The Planning Commission has been requested to consider zoning in accordance with River Corridor Development. The formal request and letter has not been received yet, but staff expects it to come soon. Mr. Alberty stated that the thought it was appropriate to alert the Planning Commission that this is coming down.

TMAPC COMMENTS:

Mr. Wofford asked Mr. Alberty if there are other cities that could serve as a model for the development of this zoning. In response, Mr. Alberty stated that this process has already begun. Staff's direction will come from the Planning Commission once the formal request is submitted.

County Commissioner Miller asked Mr. Alberty if there is a way that the surrounding communities could join forces with the zoning. In response, Mr. Alberty stated that he doesn't have a quick, concise answer; however, possibly this could be done through INCOG. He concluded that the only portion that is being requested to be addressed is within the City of Tulsa.

Ms. Bayles pointed out an article that was published recently in the Urban Tulsa Weekly, is "The River Review, Planning Tulsa's River Front a Brief History". Ms. Bayles stated that Michael Bates has done an exceptional job of documenting the river history and she would suggest that each of the Planning Commissioners get a copy and read this article. Ms. Bayles stated that she is not advertising anybody or any publication, (Volume 16, No. 34, dated February 1st through the 7th).

Ms. Bayles asked staff if they are still considering developing special districts for the river development. In response, Mr. Alberty stated that everything is in play at this particular point.

Mr. Ard commented that he would like to see this move forward and hopefully everyone will be on the same page and have the same goals.

County Commissioner Miller stated that it is important that this goes forward as a team and she would like to invite anyone who would like to attend the public meetings every other Thursday at 9:30 a.m., 3rd Floor, Tulsa County Courthouse. She would like the Planning Commissioners' input, and citizens' input is also valuable.

Mr. Wofford stated that he would like to see whatever is done with the river, that it be looked at as a comprehensive package and not one city doing this and another city doing that. There should be an overall approach to what is happening in the Tulsa area. Mr. Wofford commented that there shouldn't be differential zoning and differential land use development or there will be the same situation that exists today in Tulsa, Jenks and other areas. A consistent approach would be far superior.

Ms. Bayles referenced the Citizen's Guide to Planning. Ms. Bayles indicated that she agrees with Mr. Wofford's comments.

County Commissioner Miller stated that what is good for one community is good for all of the communities. County Commissioner Miller encouraged that this move forward as a group effort.

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Commissioners' Comments:

Ms. Bayles stated that she has a bag of educational materials from the Lincoln Institute of Land Policy if anyone would like review the materials. Ms. Bayles requested that any materials that have been loaned out be returned so that she may distribute them again.

Ms. Bayles stated that she would like to take a matter under discussion, which is clearly a budget concern. The Planning Commission has a budget that allows for Planning Commissioner training. This year she believes it is imperative with the Comprehensive Plan update and the River Corridor Plan that at least three individuals who have never attended the APA Conference be funded to attend. She recommended those who are currently serving and are seeking reappointment to the Planning Commission be designated to go to Philadelphia this year, then come back to the Planning Commission and report about what they have learned.

Mr. Ard asked Mr. Alberty if he could update the Planning Commission on what the cost is to send an individual and the timeline to register. In response, Mr. Alberty stated that the conference will be April 14th through the 18th. INCOG is sending Dane Matthews; however, she will be covering her own travel costs, but INCOG will cover the registration fees. Registration is \$660.00 per person if it is received by February 15th. Training allocation for the Planning Commission this year was \$6,000.00 and staff has committed to the luncheon training sessions throughout the remainder of this fiscal year. It is projected that it will cost approximately \$1,400.00. There would be \$4,600.00 left for the APA Conference. This could possibly totally sponsor two people or at least for the majority of fees. If the Planning Commission decides to send more than that then the money could be split up and spent as far it will go. The \$4,600 would cover the registration and a portion of the travel and lodging.

Mr. Ard stated that he has a conflict that week and wouldn't be able to attend. He personally thinks this would be a good use of the Planning Commission's funds. Whoever attends the conference should understand that they have a responsibility to enlighten the Planning Commission when they return and go to educational seminars. Mr. Ard stated that he wants to make sure that the funds for the monthly training sessions continue because he believes that they have been valuable.

Mr. Alberty stated that the best way to handle this is for the ones who would like to go respond to Mr. Ard and then let Barbara Huntsinger know who is going. She can initiate the travel request.

County Commissioner Miller out at 2:23 p.m.

Mr. Harmon asked why Ms. Matthews is paying for her own travel. In response, Mr. Alberty stated that it is staff policy at this particular time, due to the fact that

INCOG doesn't have budget monies. Dane volunteered to pay for her own expenses. If money is found, then INCOG would try to help offset some of her expense. The \$6,000.00 dollars is strictly for the Planning Commission and any money that the staff has is through another budget source.

Mr. Wofford asked if he understands correctly that INCOG doesn't have a budget to send a reasonable number of people to the American Planning Association meetings. In response, Mr. Alberty answered affirmatively.

Mr. Wofford stated that this is "the professional meeting" for planners and there aren't any others that are close. In response, Mr. Alberty stated that prior to four years ago there was always money in the budget for that; however, due to the tightening of the purse strings staff has not received travel and training monies. The money received this year is the first sizeable contribution since then.

Mr. Wofford suggested that this issue should be addressed with the City and the County.

Mr. Midget agreed with Mr. Wofford's comments. Mr. Midget stated that the current administration is appropriating money for training and Mayor Taylor is keen on all departments and staff being properly trained.

Ms. Cantees asked if there was any money left over from last year since Mr. Chandler was not requested to come back for more training. In response, Mr. Alberty stated that he can't answer that question. He believes that the money that was budgeted for him this year is the \$6,000.00 and the current budget was planned to bring him back. When the Planning Commission elected to not bring Mr. Chandler back then it freed up the \$6,000.00 for this fiscal year.

Ms. Cantees suggested splitting the \$4,600.00 in four ways and distribute it to the members wishing to go, with the understanding that they will have to make up any differences.

After a lengthy discussion it was determined that there is \$4,600.00 for the APA Conference and members are to advise staff if they would like to attend.

Mr. Alberty informed the Planning Commission that he has two sets of the training sessions from last year available.

Mr. Ard indicated that he will be attending a seminar in Oklahoma City during the APA Conference and it addresses many of the things that the Planning Commission does every week.

Mr. Ard asked Mr. Alberty about the Zoning Code amendments, since it appeared to him that the City Council weren't very comfortable with the amendments. He further asked Mr. Alberty if he had any ideas how this should

affect how the Planning Commission looks at Zoning Code amendments, etc. In response, Mr. Alberty stated that it would be his observation that there are a few people who are opposed (three people). Mr. Alberty further stated that he doesn't believe this should influence the Planning Commission from proceeding and sending their recommendations for Zoning Code changes. There are only two boards that can initiate a change in the Zoning Code, the Planning Commission and City Council. City Council has the final vote regarding any changes. If the Planning Commission feels certain about these amendments, then they should be processed and let the City Council do with them what they please. He suspects that the amendments will probably be approved. The opposition to these amendments is isolated. City Council asked staff if there have been support and if there are supporters where are they today. Mr. Alberty stated that he can't answer why no one supports, other than the fact that he receives a lot of phone calls and he believes that the majority of the people who would support those assume that they will be approved. Mr. Alberty concluded that he believes the Planning Commission should move ahead with what has been initiated and the final "C" list will be heard on February 28th.

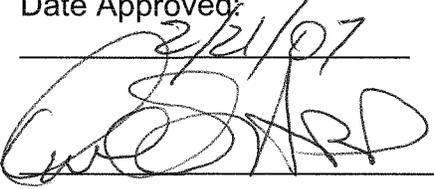
Mr. Midget stated that there wasn't a groundswell of opposition to the amendments, particularly after they were broken out and went through them methodically. He agrees with Mr. Alberty that the Planning Commission should continue moving these forward.

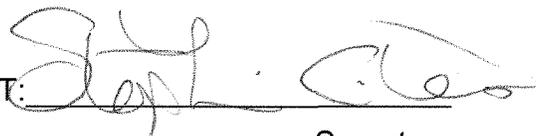
Ms. Bayles stated that there are some cases that she believes are of concern to a number of neighborhoods, not only mid-town, which she represents and hear from most often, but particularly east and west Tulsa. Ms. Bayles asked if there is any survey information to substantiation for the "C" group that would provide the type of documentation or support for these. In response, Mr. Alberty stated he isn't sure what Ms. Bayles is asking. Mr. Alberty stated that there weren't any surveys done and there wasn't any solicitation except through the public hearing process. These amendments began in January 2005, when the staff put together over 50 proposed changes. There were four worksessions and the Planning Commission eliminated some of the changes and staff modified some based on that. Basically, anytime there is a Zoning Code change, if it is initiated by staff, and the majority of these were, it is an effort to collect comments over the years. As an example: the Zoning Code amendment that is woefully in need of amending is the Corridor Chapter, which should have been done 30 years ago. Studies have not been done other than the fact that all of the staff does research and reads what is happening in other parts of the United States. The accessory dwelling units (ADU) are something that is a hot button across the country and in most communities as being supported on the basis of providing low-cost housing. It gives an opportunity to address some of the affordable housing issues. Staff picks up on these things and then tries to be proactive on things that are happening and that they agree with. Staff believes that our community should be a part of this movement. Public hearings are held to get input. Ms. Bayles concurred, but her concern is that she has heard from a

number of neighborhood associations that state that they haven't received notice. Ms. Bayles quoted from the Citizen's Guide to Planning regarding the reasons or criteria for making Zoning Code changes. The Planning Commission has seen these reasons and criteria happen in the past few years. It is imperative on each Planning Commissioner to make sure that if it were not staff asked to come and speak before the City Council then the Planning Commission could represent their support for those Zoning Code amendments as proposed.

Mr. Harmon stated that he would like to go back to the funding for training that is woefully inadequate. Mr. Harmon asked where the \$6,000.00 comes from. In response, Mr. Alberty stated that it was split between the City and the County. Mr. Alberty commented that he believes INCOG requested \$12,000.00 and it was denied and decreased to \$6,000.00.

There being no further business, the Chair declared the meeting adjourned at 2:42 p.m.

Date Approved: 2/21/07

Chairman

ATTEST: 
Secretary

