

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2566

Wednesday, November 18, 2009, 1:30 p.m.

City Council Chambers

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Leighty	Alberty	Boulden, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	Schultz, COT
Liotta		Huntsinger	
Marshall		Matthews	
McArtor		Sansone	
Midget			
Shivel			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, November 12, 2009 at 10:49 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, Chair Cantrell called the meeting to order at 1:30 p.m.

REPORTS:

Worksession Report:

Ms. Cantrell reported that there will be a work session immediately following today's regular meeting.

Comprehensive Plan Report:

Martha Schultz, City of Tulsa Planner, stated that staff is still in the process of reviewing the revisions and drafting the chapters, etc.

Director's Report:

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

Mr. Alberty reported that there will be a Working In Neighborhoods (WIN) class tomorrow night from 6:00 p.m. to 7:30 p.m. Mr. Alberty stated that he will be attending and presenting, as well as the City of Tulsa.

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Minutes:

Approval of the minutes of October 28, 2009 Meeting No. 2564

On **MOTION** of **CARNES**, the TMAPC voted 8-0-1 (Cantrell, Carnes, Dix, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; Marshall "abstaining"; Leighty, Midget "absent") to **APPROVE** the minutes of the meeting of October 28, 2009, Meeting No. 2564.

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Ms. Cantrell stated that Item 2, LC-214 has been stricken from the agenda.

- 2. **LC-214** Carol A. Myers (7426)/Lot Combination (County)
 East of South 161st Avenue and South of 161st Street, 16309 South 161st
 East Avenue

Stricken.

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CONSENT AGENDA

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

- 3. **PUD-716-1 – Max Heindenreich** (PD-18c) (CD-8)
 East of the southeast corner of US Highway 169 and East 81st Street
 South (PUD Minor Amendment to add children's nursery only within Use
 Unit 5 – Community Services and Similar Uses to the permitted uses of
 PUD-716.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add Children's Nursery only within Use Unit 5 – Community Services and Similar Uses to the permitted uses of PUD-716. The addition of the use would be limited to Development Area C of the PUD (see attached Exhibit A). Use Unit 5 is a use by right within the Corridor District, subject to approval of a Corridor Detail Site Plan.

Staff believes this request does not represent a significant departure from the approved Development Plan nor will it significantly alter the character of the PUD. Therefore, staff recommends **APPROVAL** of minor amendment PUD-716-1. All terms and conditions of the original approval of PUD-716 shall remain effective.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

4. **Heritage Landing** – (0329) Final Plat (PD 3) (CD 3)
West of the Southwest corner of Apache and North Harvard Avenue

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 3.03 acres.

All release letters have been received and staff recommends **APPROVAL**.

5. **Z-7008-SP-1- Khoury Engineering, Inc./Southern Agriculture** (PD-8) (CD-2)
North of the northwest corner of West 81st Street South and South Olympia Avenue (Corridor Detail Plan for a 14,370 square foot retail pet store.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 14,370 square foot (SF) retail pet store. The proposed use, Use Unit 14 – Shopping Goods and Services is a permissible use within Development Area F of the Tulsa Hills Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per a variance granted by the Board of Adjustment (BOA) on 11/10/2009 in case #20996 reducing the required parking from 64 spaces to 58 spaces. A trash enclosure has been provided as required by the Corridor District Development

Plan. A sidewalk has been provided along Olympia Avenue as required by subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 11, Block 1/Tract B1 – Tulsa Hills.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Leighty, Midget "absent") to **APPROVE** the consent agenda Items 3 through 5 per staff recommendation.

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PUBLIC HEARING

- 6. **Hyde Park at Tulsa Hills** – (8211) Preliminary Plat (PD 8) (CD 2)
 East of South US-75 and North of West 81st Street (Continuance requested to December 16, 2009 per continuance at Technical Advisory Committee meeting.)

STAFF RECOMMENDATION:

Mrs. Fernandez indicated that this applicant would like to be continued to December 16, 2009.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Leighty, Midget "absent") to **CONTINUE** the preliminary plat for Hyde Park at Tulsa Hills to December 16, 2009.

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8. **John Moody** – (9331) Plat Waiver (PD 18A) (CD 9)
South of East 55th Street and East of South Peoria Avenue

STAFF RECOMMENDATION:

Mrs. Fernandez stated that the applicant has requested a continuance to December 2, 2009.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Leighty, Midget "absent") to **CONTINUE** the plat waiver to December 2, 2009.

Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Midget in at 1:37 p.m.

7. **Temple Lofts** – (9212) Minor Subdivision Plat (PD 7) (CD 4)
South of West 14th Street and West of South Cheyenne Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on .675 acres.

The following issues were discussed November 5, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OM (office medium). Board of Adjustment case #20649 was approved to allow multi-family uses in the OM zone. Board of Adjustment case # 20960 was approved to allow stacked parking in a townhouse development. Screening and landscaping were required by the Board of Adjustment on the west side of the site.
2. **Streets:** Include sidewalk note on face of plat. Standard sidewalk language required in the covenants.
3. **Sewer:** The 20-foot waterline easement on the face of the plat must be identified as to use in the legend. If they are restricted to waterlines only, then the sanitary sewer can not be located within the easement. I thought this was going to be a ten-foot sanitary sewer easement, adjacent to a ten-

foot restricted water line easement. Show where the proposed ten-foot perimeter utility easement ends and the waterline easement begin. Define the limitations of use for the proposed restricted water line easement and the required sanitary sewer easement. Engineering wastewater design is requesting that the proposed sanitary sewer be located seven feet from the edge of the easement instead of the five feet shown on the conceptual plan. This will place the line closer to the waterline than the usual ten-foot separation. However, both lines must be constructed with DIP (ductile iron pipe), so ODEQ (Oklahoma Department of Environmental Quality) will allow them to be closer than ten feet apart. This will assist the City to stay within the easement if maintenance is required on the sewer line.

4. **Water:** Show all water service conduits for all buildings.
5. **Storm Drainage:** Use City of Tulsa standard language for Sections I.C.5, "D. Lot Surface Drainage"; and "E. Roof Drain Requirements, modified as attached. Change, existing Section I, E to F and F to G.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: Label the point of commencement. The surveyors' license has expired. Submit subdivision control data sheet. Correct second line of 4th paragraph typo. Subdivision regulations require that the square footage of the lot be provided in addition to the number of acres. Also required are the size, location, description and identification of all monuments set and found.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. Release letters have been received.

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.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Leighty "absent") to **APPROVE** the minor subdivision plat for Temple Lofts subject to special conditions and standard conditions per staff recommendation.

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9. **Z-7144 – Robert E. Parker**

1408 and 1412 East 2nd Street

RM-2 to IL

(PD-4) (CD-4)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6820 June 2001: All concurred in approval of a request for rezoning a 7000+ square foot tract of land from RM-2 to IL for heating and air company, on property located on the southwest corner of East 1st Street and South Rockford Avenue.

Z-6625 April 1998: All concurred in approval of a request for rezoning a .5± acre tract of land from RM-2 to IL for warehouse use on property located west of southwest corner of East 2nd Street and South Quincy Avenue.

BOA-19204 September 25, 2001: The Board of Adjustment approved a Special Exception to allow Use Unit 25 (roofing contractor) in a CH zoned district; and a Special Exception to waive screening on north property, with condition that no vehicular access be permitted from the alley to the building, on property located at 1411 East 3rd Street and abutting south of subject property.

BOA-18317 February 23, 1999: The Board of Adjustment approved a Variance of setback from an R district boundary be approved as follows: From the North side-75 feet required to 60 feet; From the East side-75 feet to 10 feet; From the South side-none; From the West side-75 feet to 70 feet to permit construction of IL zoned lots, finding that it meet the requirements of Section 1607.C, on property located west of southwest corner of East 2nd Street and South Quincy Avenue and west of subject property.

Z-6290 August 1990: All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located east of northeast corner of South Peoria Avenue and East 2nd Street.

Z-6117 September 1986: All concurred in approval of a request for rezoning a tract of land from RM-2 to IL on property located on the southeast corner of East 2nd Street and South Quincy Avenue and abutting subject property to the west.

Z-6035 May 1985: All concurred in approval of a request for rezoning a tract of land from RM-1 to IL on property located on the northeast corner of East 4th Street and South Rockford Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .33± acres in size and is located 1408 and 1412 East 2nd Street. The property appears to be vacant and is zoned RM-2.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 2 nd Street	N/A	N/A	2

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

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential use zoned RM-2; on the north by an antiques store zoned CH and a single-family residential use zoned RM-2; on the south by a roofing company, zoned CH; and on the west by vacant land, zoned IL.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within an Industrial Special District. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan because it is within a Special District.

STAFF RECOMMENDATION:

This is a transitional area. Some of the single-family homes are being revitalized, yet many of the others are in disrepair. It is an older neighborhood, with many industrial/commercial uses that have begun. All of the frontage, north and south, along 3rd Street is zoned CH and has been for many years. Uses within the area between the I-244 expressway and East 3rd Street are mixed residential/commercial/industrial. With that in mind, staff recommends **APPROVAL** of IL zoning for Z-7144,

TMAPC COMMENTS:

Ms. Matthews explained what an Industrial Special District means in the Comprehensive Plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Leighty "absent") to recommend **APPROVAL** of the IL zoning for Z-7144 per staff recommendation.

Legal Description for Z-7144:

Lots 9 and 10, Block 15, Lynch Forsythe's, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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10. **Z-7008-SP-3 – Roy D. Johnsen/Tulsa Hills/Car Wash** (PD-8) (CD-2)

North of northeast corner of West 81st Street South and South Olympia Avenue (Corridor Plan to add auto wash only within Use Unit 17 – Automotive and Allied Activities as a permitted use on Tract 2-C only and to allow for the construction of a "tunnel car wash".)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21009 dated February 18, 2005, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7008-SP-2 May 2008: All concurred in approval of a proposed Corridor Site Plan on a 1.31± acre tract of land for the addition of Tire Sales, Brake Repair/Replacement, Chassis Alignment, Shock Absorber Maintenance and Installation, Battery Sales, Oil Changes and Lubrication, and Engine Tune-up Services only, to the permitted uses of Tract A (Lot 11, Block 1) on property located north of northwest corner of South Olympia Avenue & West 81st Street.

PUD-739 May 2007: All concurred in approval of a proposed Planned Unit Development for rezoning a 25± acre tract of land for single-family development permitting 43 dwelling units on property located northwest corner of West 81st Street South and South Elwood Avenue.

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center know as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71st and West 81st Streets.

Z-7008 March 2006: All concurred in approval of a request to rezone a 43.6+ acre tract from AG/RS-3 to CO on property located East side of U. S. Highway 75 South between West 71st Street South and West 81st Street South for regional shopping center known as Tulsa Hills.

Z-6967 February 2005: Approval was granted on a request to rezone the 62+ acre tract from AG to CO for mixed, commercial and office uses, located on the northeast corner of West 81st Street South and U. S. Highway 75 South.

Z-6966 February 2005: Approval was granted on a request to rezone a 72+ acre tract from AG to CO located on the southeast corner of West 71st Street South and U. S. Highway 75 South. An accompanying recommendation was to amend the District Plan map to reflect the CO rezoning, which will be done when the annual plan updates are processed.

Z-6871 November 2002: All concurred in approval of a request to rezone a 141+ acre tract from AG to RS-3 for residential development and lying in the northwest corner of West 81st Street and South Elwood Avenue.

PUD-636/Z-5457-SP/Z-4825-SP October 2000: Approval was granted, subject to conditions of the PUD, for a Planned Unit Development on a 108+ acre tract for single-family and townhouse dwellings and commercial uses; located on the northwest corner of West 81st Street South and South Highway 75.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 6.56+ acres in size and is located north of northeast corner of West 81st Street South and South Olympia Avenue. The property appears to be vacant and is zoned CO.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Olympia Avenue	Corridor Collector	100'	3

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

SURROUNDING AREA: The subject tract is abutted on the east by Stonebrooke Estates, zoned RS-3/PUD; on the north by Tulsa Hills, zoned CO; on the south by Tulsa Hills, zoned CO; and on the west by Tulsa Hills, zoned CO.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designated this area as Medium Intensity at the U.S. Highway 75 ramps on West 81st Street South and West 71st Street South; and Low Intensity – No Specific Land Use for the remainder of the property. On February 1, 2006 the TMAPC found the existing CO zoning to be **in accord** with the

Comprehensive Plan. An amendment to the District 8 Plan has been completed to reflect the rezoning to CO of a large portion of this property.

STAFF RECOMMENDATION:

Corridor District Site Plan Z-7008-SP-3 is a 5.17 (+/-) acre (225,205 SF) tract located north of the northeast corner of West 81st Street South and South Olympia Avenue. The tract is described as Lot 2, Block 2 – Tulsa Hills and is part of the Tulsa Hills regional shopping center.

On November 4, 2009 the TMAPC approved lot-split number LS-20343 which divided Lot 2, Block 2 into three separate development tracts as identified in Exhibit B.

Corridor District Site Plan Z-7008-SP-3 is necessary to add auto wash only within Use Unit 17 – Automotive and Allied Activities as a permitted use on Tract 2-C only, to allow for the construction of a “tunnel car wash” as depicted on Exhibits F and G.

The development area currently permits use units 10, 11, 12, 13, 14, 19 (hotel and motel only), stormwater drainage and detention facilities, and uses customarily accessory to principal permitted uses. Please refer to Exhibit I for an exhaustive list of other uses permitted in Development Area G.

Please refer to the attached case aerial photographs and Exhibit J - general vicinity photographs. The proposed site is located immediately adjacent to an area which is being developed as a single family residential development. While Exhibit H is a letter of support for the proposed car wash from the owner and developer of the properties to the east, staff has considerable reservations about the car wash given the proximity to residential development and the potential impact the car wash could have on these properties.

In May of 2008, Tulsa Hills was amended to include limited uses within Use Unit 17 in Development Area F, on the west side of Olympia Avenue. This amendment allowed for the construction of the existing Hibdon Tire Store. Staff contends that the west side of Olympia Avenue immediately adjacent to U.S. Highway 75, would be better suited for development with more automotive uses rather than an area immediately adjacent to existing and future residential development.

Given the proximity to future residential development and the potential noise impacts a car wash could have on these properties, combined with the west side of Olympia Avenue having been approved for limited automotive uses, staff recommends **DENIAL** of corridor district site plan Z-7008-SP-3.

TMAPC COMMENTS:

In response to Mr. Marshall, Mr. Sansone stated that the automotive uses would be limited to Tract 2-C only. The lot-spits have not been finalized at this time and the tract is technically still one lot.

Mr. Dix asked if the residential lots to the east are still vacant. In response, Mr. Sansone stated that the lots immediately adjacent to the site are vacant at this time. Mr. Sansone indicated that he visited the site twice. Mr. Dix stated that if the residential lots are vacant, then once they do sell they would notice the new development adjacent and understand what they would be living by.

Ms. Wright questioned the concern for the noise on the subject lot when the car wash on 15th is only 60 feet from residential homes. Mr. Sansone stated that the particular car wash that Ms. Wright is referring to had a single-bay car wash with doors on the front and back that closed while in operation. All mechanical things were housed inside the building. The impact was considered minimal since it was only one bay with everything fully enclosed. The subject proposal is for a very large tunnel car wash and will service multiple cars at any given time. He expressed concerns with the blowers for this particular car wash and the noise they would create.

In response to Ms. Wright, Mr. Sansone indicated that there is residential on the north side and he would describe the subject area as mixed.

Mr. Liotta asked if there would be any type of access in the back of the subject property. In response, Mr. Sansone stated that within the subject lot for the car wash there would be a drive that circles around the tunnel for movement of cars. The access point is off of Olympia and cars would drive east and loop back into the car wash.

Mr. Shivel asked what the functional setback would be from the lot line on the eastern boundary of the subject property to the entry point of the facility. In response, Mr. Sansone stated that he believes it would be 150 feet plus on the east point of the facility and the building is 140 feet in length. Mr. Shivel asked if the noisiest portion would be functionally almost 300 feet from the property line where the residential starts. In response, Mr. Sansone stated that it would be, but the blowers are not the only noise generators. Mr. Sansone agreed that the western portion would probably be the noisiest due to the blowers. There are no doors on this facility to keep the noise inside the tunnel.

In response to Mr. Boulden, Mr. Sansone stated that the car wash will not be a 24-hour service facility.

The other building is a three-bay oil change facility and is already permitted by the corridor plan.

Mr. Sansone explained that staff does not include standards when they are recommending denial. He indicated that a set of development standards was submitted by the applicant, which didn't ask for any relaxation of any of the current Tulsa Hills Development Standards. Most of the supplemental standards were touching on the requirements for setbacks that are greater than the current setback requirements. The reason the standards are not in front of the Planning Commission today is because, as a matter of policy, that when staff recommends denial, the development standards are not included within the case report.

Applicant's Comments:

Roy D. Johnsen, Williams Center Tower One, One West Third Street, Suite 1010, 74103, representing Payne and Associates, stated that auto wash is listed under Use Unit 17 – Automotive and Allied, which provides several auto uses. This application was filed to amend the corridor plan to add auto wash use only to Tract 2-C only, which would limit the use to only auto wash from the Use Unit 17 uses. The car wash will be located on the southernmost tract of land that is 1.2 acres and identified as Tract 2-C. This is not an application to generally extend on the subject property automotive uses, but limit it to auto wash and he did submit development standards (Exhibit A-1).

Mr. Johnsen stated that it is very difficult process to anticipate uses on a big development. He further stated that often amendments are made to bring in specific uses. The properties on the west side of Olympia are more expensive than the properties available on the east side of Olympia.

Mr. Johnsen stated that the car wash is in conjunction with Jiffy Lube. These two contracts are dependent on the car wash being approved and developed because they compliment each other. In larger commercial complexes and shopping areas there are usually these service establishments. These are services that are provided to visitors of the center who may also be shoppers.

Mr. Johnsen stated that the developer to the east, Stonebrook Development, submitted a letter supporting this application, which was included in the agenda packet. Mr. Johnsen read the letter of support. The buyers of the residential lots in Stonebrooke will see the development. There is a seven-foot tall masonry wall on the east boundary of the subject site and was paid for by the developers of Tulsa Hills. There is a 100-foot PSO easement on the east boundary and within that boundary there is an established 20-foot pedestrian trail, the subject tract has a 150-foot setback to the building and in addition he has prepared a supplemental landscape plan. His clients are sensitive to neighborhood issues and there will be supplemental plantings. Mr. Johnsen indicated that the detail site plan and landscape plan will be before the Planning Commission if this application is approved. Mr. Johnsen read the supplemental standards (Exhibit A-1).

Mr. Johnsen stated that there is always some type of noise with commercial developments. In this instance the significant noise is the blowers at the front of the building, west end. There will be a 150-foot setback and the building is 140 feet in length, which will be 280 feet from the seven-foot high masonry wall and landscaping. There have been some studies made that were submitted to staff regarding noise. The study indicated that at 40 feet in front of the car wash, the road noise was equal to the noise produced by the car wash. The subject site was picked and will work for the auto wash and for Jiffy Lube. He believes it is a use that will serve the patrons of the commercial complex in general. Mr. Johnsen indicated that the west side of the commercial development has not been identified or approved in general for automotive use. The Hibdon's location was limited.

Mr. Johnsen stated that he did contact the owner of the lots and the developer adjacent to the subject property.

TMAPC COMMENTS:

Mr. McArtor asked Mr. Johnsen how the supplemental standards dovetail with the corridor district plans. Mr. Johnsen stated that if the Planning Commission approves the amendment and incorporate the supplemental standards then they become conditions of the subject development. Currently there are some very significant conditions in place for Tulsa Hills and they do not go away. Mr. Johnsen indicated that he submitted the standards to staff and reviewed them together. Mr. Johnsen read the list of uses that could be developed by right without this amendment.

Mr. Dix asked Mr. Johnsen several questions about the type of car wash that is being proposed.

Craig Payne, CPBS, 5810 East Skelly Drive, Suite 420, 74135; the proposed car wash is Tommy's Car Wash equipment, touchless, and high pressure spray.

Matt Martis, Payne and Associates, 5810 East Skelly Drive, Suite 420, 74135, stated that Mark Redman is building the car wash and he could not attend today's meeting. Mr. Martis stated that he believes the proposed car wash is friction with brushes from what he has seen from research. Not sure how many blowers are being installed, but he believes there are two large blowers. Mr. Martis stated that he is knowledgeable of the QuikTrip car wash in Glenpool and he believes the proposed car wash is comparable to it. He assumes there will be doors at the entrance and exit to secure the building at night, since the operating hours will be 7:00 a.m. to 7:00 p.m. Vacuum system will be centralized and not have individual units outside of the building.

Mr. Johnsen apologized for not having all the specifics on the car wash. Mr. Dix stated that he is really focusing on the noise issue and that is why he is asking these questions.

Ms. Cantrell asked Mr. Johnsen if he is aware of any other studies that have been done independently. In response, Mr. Johnsen answered negatively. Mr. Johnsen stated that if this information is critical, then he will get the information necessary.

Ms. Cantrell asked the applicant why this has to be on the subject location and not on the west side of Olympia away from the residential lots. Mr. Johnsen stated that the value of the property on the west side of Olympia is much higher than on the east side because of exposure to Highway 75. Hibdon picked their subject area for the exposure. Jiffy Lube and auto wash are a much smaller specialized use and the subject property would work for them.

Ms. Cantrell asked Mr. Johnsen if the letter in support is actually from the developer and not someone who lives in the adjacent residential lots. In response, Mr. Johnsen stated that it is correct; the developer doesn't live adjacent to the subject property.

Mr. Dix asked if there are plans to have people at the exit to do towel drying. In response, Mr. Martis stated that he doesn't believe that there will be a detail area per se, but there will be someone on site to manage the facility. Mr. Martis indicated that he was informed that there will be twelve blowers at the exit end with brushes and there will be doors on both ends.

Patrick Moore, 11467 South Harvard Avenue, 74137, owner/operator of the Jiffy Lube stores in the Tulsa area, stated that the long-tunnel car wash helps mitigate the sound. The design of this particular building is done to mitigate the sound. He explained that he is on a very thin line to put the Jiffy Lube on the east side of Tulsa Hills and he would be financially prohibited from building on the west side.

TMAPC COMMENTS:

Mr. Dix stated that there are three different types of car washes and all can be operated in different ways. The sound checks that QuikTrip had conducted for their two tunnel car washes were found to not have any issues with noise. The vacuums are centralized and one could hold a conversation outside of the building with a normal tone of voice. Mr. Dix indicated that tunnel car washes with friction are quieter than solely high pressure car washes. By having the blowers on the west end of the subject proposal will be best for the neighborhoods adjacent to it. The proposal will be a full football field away from the seven-foot masonry fence and he doesn't see any sound or design issues.

Mr. Carnes stated that the developer still has lots for sale and still is in support of this proposal.

Mr. Marshall stated that it has good setback from the residential lots, proposing additional landscaping and this is a long narrow lot. He believes the tunnel car wash is a good fit.

Ms. Wright indicated that she supports the proposal.

Mr. McArtor called for a vote.

Ms. Cantrell stated that she opposes this proposal because she is concerned that Tulsa Hills is starting to develop in a haphazard way. She is concerned about the long-term future of the subject area. It is great that they are getting commercial development and it is growing, but she worries about what will ultimately come of it. Staff has made a very good argument for why this is not an appropriate location. Just because this application may be approved today, doesn't mean that it will be built right-of-way and meantime someone purchases a residential lot not knowing of what is being built.

Mr. McArtor stated that he can appreciate Ms. Cantrell's comments, but his consensus is that this is a corridor site and when one considers all of the uses that could be built, this seems to be a better approach. He will be supporting the subject application.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **9-1-0** (Carnes, Dix, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; Cantrell "nays"; none "abstaining"; Leighty "absent") to recommend **APPROVAL** of the corridor plan for Z-7008-SP-3 to add auto wash only within Use Unit 17 – Automotive and Allied Activities as a permitted use on Tract 2-C only and to allow for the construction of a tunnel car wash subject to the submitted supplemental standards by Mr. Roy D. Johnsen (Exhibit A-1).

Legal Description for Z-7008-SP-3:

Lot 2, Block 2, Tulsa Hills, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

11. **Z-6054-SP-8 – Global Sign Solutions**

(PD-18c) (CD-8)

West of the southwest corner of East 81st Street and South Garnett Road (Corridor Plan to amend the signs standards.)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 16451 dated October 18, 1985, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6054-SP-6 April 2006: All concurred in approval of a proposed Corridor Site Plan on a 10± acre tract of land for neighborhood retail and office development on property located southwest corner of East 81st Street and South Garnett Road and the subject property.

Z-7024-SP-1 August 2006: All concurred in approval of a proposed Corridor Site Plan a 20± acre tract of land for a single-family residential development on property located south of the southwest corner of East 81st Street South and South Garnett Road.

Z-7024 May 2006: All members of TMAPC concurred in recommending approval of CO zoning for the subject property on May 17, 2006. All members of City Council concurred in approval of TMAPC recommendation on June 8, 2006.

Z-6989/PUD-716 August 2005: A request to rezone this property from CO to CS was withdrawn. All concurred in approval of a proposed Planned Unit Development on a 9.37± acre tract for a mixed use development including office, hotel/motel and mini-storage uses, on property located east of the southeast corner of East 81st Street and U.S. Highway 169.

PUD-666 August 2002: Approval was granted for a Planned Unit Development on a 10± acre tract from RM-0 and CS to PUD for commercial development, located on the northwest corner of East 81st Street and South 113th East Avenue.

PUD-663 June 2002: All concurred in approval of a proposed Planned Unit Development a 26± acre tract for a recreation and sporting goods store, boat sales, and other retail and office uses, located northeast of Highway 169 South and East 81st Street.

PUD-569-A/Z-6054-SP-5 December 1999: All concurred in approval of a Major Amendment to PUD on a 10.4± acre tract to permit Use Unit 21 for an outdoor advertising sign on property located on the northwest corner of East 91st Street and South Garnett Road.

PUD-569/Z-6054-SP-3 December 1997: All concurred in approval of a proposed Planned Unit Development and a Corridor Site Plan for a proposed residential, commercial and church development subject to conditions on property located on the southeast corner of East 81st Street and U.S. Highway 169.

Z-6054 October 1985: All concurred in approval of CO zoning on a 137-acre tract located at the southeast corner of East 81st Street South and Mingo Valley Expressway.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2+ acres in size and is located west of southwest corner of East 81st Street and South Garnett Road. The property is under construction, will be used commercially and is zoned CO.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 81 st Street South	Secondary arterial	100'	5

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

SURROUNDING AREA: The subject tract is abutted on the east by Lot 1, Block 1 – Union Place, zoned CO; on the north by 81st Street and then 8100 Center on Garnett, zoned CS/RM-0/PUD-666; on the south by Lot 3, Block 1 – Union Place, zoned CO; and on the west by unplatted PUD-716, zoned CO.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18c Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Corridor with a five-acre Medium Intensity node at the southwest corner of East 81st Street and South Garnett Road and Low Intensity for the balance of the property. On December 21, 2005 the TMAPC found the proposed uses **as in accord** with the Comprehensive Plan.

STAFF RECOMMENDATION:

This site is an approximately 2 +/- acre site (87,120 SF) located west of the southwest corner of 81st South and South Garnett Road. The tract is bordered on the south and west by corridor/PUD zoned property and the north and east by PUD and commercially zoned property.

On March 25, 2009 the TMAPC approved a detail site plan allowing the construction of an 8,288 SF restaurant.

Z-6054-SP-8 seeks to amend the signs standards for Z-6054-SP-6 which state, "Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited". The proposal for Z-6054-SP-8 is to permit a 7 square foot (SF) electronic message center on the general business sign located along 81st Street South (see Exhibits A and B).

All commercially, corridor and PUD zoned properties within the immediate vicinity of the subject tract allow electronic message centers. There is no residentially zoned property or designated residential area within a PUD or Corridor District adjacent to the subject tract.

Given the size of the message center being proposed, approval of the request would not represent substantial deviation from the originally approved corridor concept plan and the purposes and standards of chapter 8 of the code. Therefore staff can support the application.

Based upon the proposed Development Concept and Standards as modified by staff, staff finds Z-6054-SP-8 to be: (1) in harmony with the existing and expected development of surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of **Z-6054-SP-8** subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. All original development standards, terms and conditions of Z-6054-SP-6 and associated amendments shall remain effective. In addition, approval shall be subject to the conditions recommended by the Technical Advisory Committee which are approved by TMAPC and include:
 - A. Verification that the sign will not be located in any public right-of-way (ROW) or perimeter easement; and
 - B. The applicant needs to provide a survey locating the sign and water main line along South 81st Street.

TAC Comments:

General: Sign "B" cannot be located either within the right-of-way or within a utility easement. The sign appears to be outside of the right-of-way but may be in a perimeter easement. Please verify.

Water: The location of sign "B" is shown to be close to an existing 12-inch water line that's located 44' south of the centerline of 81st Street South extending east

and west. Before an approval can be given; a survey locating the sign and water main line must be done. The location of sign "A" should be fine.

Fire: No comments.

Stormwater: No comments.

Wastewater: On November 14, 2008, plans for SSID 3199 (A) Rev. were approved for a sanitary sewer mainline extension to serve the western portion of Lot 2. No construction will be approved until that construction has been completed and accepted by the City of Tulsa.

Transportation: No comments.

INCOG/TMAPC Transportation:

- **MSHP:** South 81st Street is a designated Secondary Arterial.
- **LRTP:** 81st Street South, between Mingo Road and Garnett Road, planned four lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- **TMP:** No comments.
- **Transit:** No comments.

GIS: No comments.

Street Addressing: No comments.

TMAPC COMMENTS:

Ms. Cantrell stated that the sign language in PUDs has been boiler-plate for as long as she can remember and asked if staff is changing their position on that. Mr. Sansone stated that staff has not changed their position. He explained that the subject sign will not be facing nor near any residential development. Mr. Sansone stated that to his knowledge this will be the first LED sign in the subject area.

In response to Mr. Boulden, Mr. Sansone stated that a message center is usually for time/temp, scrolling marquee, etc. Mr. Sansone stated that this will be text and numbers with changeable copy.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Leighty "absent") to recommend **APPROVAL** of the corridor plan to amend the sign standards for Z-6054-SP-8 per staff recommendation to permit a seven square foot (SF) electronic message center on the general business sign located along 81st Street South.

Legal Description for Z-6054-SP-8:

A tract of land that is part of Lots 2 and 3 in Block 1, Union Place, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to there recorded plat thereof, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the most easterly northeast corner of said Lot 2,

Thence S 01°16'37" E along the easterly line of Lot 2 and the southerly extension thereof for 382'; thence S 89°04'29" W and parallel with the northerly line of said Lot 2 for 225'; thence N 01°16'37" W and parallel with the easterly line of said Lot 2 for 390' to a point on the northerly line of said Lot 2; thence along said northerly line as follows: N 89°04'29" E for 105', S 01°16'37" E for 8', N 89°04'29" E for 120' to the POB of said tract of land.

Mr. Carnes out at 2:48 p.m.

OTHER BUSINESS:

12. Proposed 2010 TMAPC meeting dates

TMAPC is proposing to meet twice a month on the first Tuesday of each month at 4:00 p.m. and the third Wednesday of each month at 1:30 p.m. (Training Sessions and Work Sessions will be held on the third Wednesday meeting day.)

STAFF RECOMMENDATION:

**PROPOSED 2010 SCHEDULE
Tulsa Metropolitan Area Planning Commission (TMAPC)**

Regular meetings of the TMAPC are held on the first Tuesday at 4:00 p.m. and the 3rd Wednesday at 1:30 p.m. in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

Regular work sessions of the TMAPC are held on the third Wednesday of each month following regular TMAPC business in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

JANUARY	FEBRUARY	MARCH
5 th	2 nd	2 nd
20 th meeting and worksession	17 th meeting and worksession	17 th meeting and worksession

APRIL	MAY	JUNE
6 th	4 th	1 st
21 st meeting and worksession	19 th meeting and worksession	16 th meeting and worksession
JULY	AUGUST	SEPTEMBER
6 th	3 rd	7 th
21 st meeting and worksession	18 th meeting and worksession	15 th meeting and worksession
OCTOBER	NOVEMBER	DECEMBER
5 th	2 nd	7 th
20 th meeting and worksession	17 th meeting and worksession	15 th meeting and worksession

TMAPC COMMENTS:

Mr. Midget asked why the afternoon meeting is going to Tuesday. In response, Ms. Cantrell stated that Wednesday afternoon meetings could possibly interfere with people wishing to attend church.

Mr. Alberty stated that the reason for the 4:00 p.m. meeting is to allow as many people as possible to attend the public hearing. It was brought to staff's attention that meeting at 4:00 p.m. on Wednesday could run late and interfere with people wishing to attend church services. The public hearing will be the first Tuesday 4:00 p.m. meeting and the third Wednesday 1:30 p.m. meetings will be for housekeeping and possible continuances. The reason the Planning Commission is reducing their meetings to two is because of budget reasons.

Mr. Shivel asked staff if there was a letter sent that stated 4:00 p.m. was not late enough to make a difference in the ability to attend the public hearings. Ms. Huntsinger stated that there were several letters received, but she doesn't recall a letter about the 4:00 p.m. start time. Mr. Alberty stated that it will be hard to please everyone and the 4:00 p.m. was a compromise.

Mr. Alberty reminded the Planning Commission that this schedule has been sent to the City Council to see if the meeting room is available and we have not

received word back. Any action today would be contingent upon the meeting room availability.

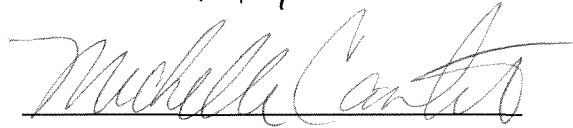
TMAPC Action; 9 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **8-1-0** (Cantrell, Dix, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; Liotta "nays"; none "abstaining"; Carnes, Leighty "absent") to **APPROVE** the 2010 TMAPC meeting dates as submitted.

There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.

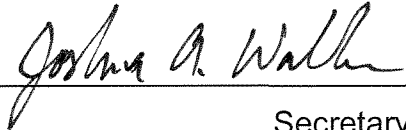
Date Approved:

12/2/09



Chairman

ATTEST:



Secretary

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