

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2582

Wednesday, July 21, 2010, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 15, 2010 at 10:48 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 1:34 p.m.

REPORTS:

Chairman's Report:

Ms. Cantrell introduced Mr. Gene Edwards to the Planning Commission. He will be replacing Phil Marshall.

Ms. Cantrell reported that John Shivel, for personal reasons, has stepped down as 1st Vice Chair and Phil Marshall was 2nd Vice Chair. She further reported that Keith McArtor has volunteered to take on 1st Vice Chair and Bill Leighty has agreed to take on 2nd Vice Chair.

Training session Report:

Ms. Cantrell reported that the Sign Advisory Board did a presentation today at the Planning Commission's training session and she would like to thank them for their presentation and time.

Comprehensive Plan Report:

Ms. Cantrell reported that the Planning Commission has adopted the new Comprehensive Plan and the City Council did not approve it last Thursday due to an error on their website. It is on tomorrow's agenda and hopefully it will be approved.

Director's Report:

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

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.

- 1. **LC-263**– Tanner Consulting, LLC (9311) (PD5) (CD5)
Northeast corner East 21st Place South and South Sheridan Road
- 2. **LC-267** – Chad Grubb (9330) (PD6) (CD9)
East of the Northeast corner of Oak Road and East 45th Place South, 1939 East 45th Place
- 3. **LC-268** – Prime Distributers (9212) (PD7) (CD4)
Southwest corner of East 15th Street and South Main Street, 1506 South Main Street
- 4. **LS-20385** – George D. DeMier (9319) (Related to LC-265) (PD6) (CD9)
Southeast of the Southeast corner South Peoria Avenue and East 31st Street South, 3155 South Rockford Drive
- 5. **LC-265**– George D. DeMier (9319) (Related to LS-20385) (PD6) (CD9)
Southeast of the Southeast corner South Peoria Avenue and East 31st Street South, 3159 South Rockford Drive
- 6. **LC-266**– Jerry Dean Hine (9302) (PD5) (CD5)
East of the Southeast corner of South Sheridan Road and East Admiral Place, 6814 & 6840 East Admiral Place

7. **LS- 20386**– Joseph Watt, PE (9315) (PD5) (CD4)

South of the Southwest corner of East 25th Place South
and South Braden Avenue, 2545 South Yale Avenue

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to **APPROVE** the consent agenda Items 1 through 7 per staff recommendation.

COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

9. **Additional CIP for FY2011**

Consider and review additional CIP for FY2011 to find in conformance with the Comprehensive Plan for the Tulsa Metropolitan Area.

STAFF RECOMMENDATION:

The City of Tulsa Office of Sustainability has submitted another Capital Improvement Project for review in terms of relationship to the Comprehensive Plan. This is under the Energy Efficiency Conservation Block Grant Program (EECBG) and is for Energy Efficient Traffic Control and Pedestrian Signal Retrofit, at an estimated cost of \$740,000 in the downtown area. The Office estimates that the savings from this project will allow the City to restore lighting to 745 additional highway lights.

While the current Comprehensive Plan and the recently-adopted PLANiTULSA Comprehensive Plan encourage energy efficiency generally, this project is more specific than Plan policies. The intent to conserve resources and reallocate to ensure public safety are certainly Plan goals. Staff finds this CIP proposal in accord with the spirit and intent of the Comprehensive Plan and recommends the TMAPC do likewise.

Project 3 - Energy Efficient Traffic Control & Pedestrian Signal Retrofit - \$740,000

In order to save money in the City's lighting budget that can be used to turn highway lights back on, we have elected to perform a comprehensive energy efficient retrofit of traffic signals and pedestrian crossing signals in downtown

Tulsa. A total of 425 3-section traffic signals and 742 countdown pedestrian crossing signals will be replaced with high efficiency LED units. The existing fixtures currently use incandescent bulbs, and it is estimated this project will save 8,397 kWh and \$55,000 per year. It is also estimated that these savings will allow the City to turn on approximately 745 additional highway lights. The City will hire an outside contractor to perform the work, and plans to advertise for bids in June 2010.

TMAPC COMMENTS:

Mr. Leighty questioned the payback numbers. In response, Ms. Matthews stated that she can't answer questions about the payback because it isn't covered under the Comprehensive Plan and it is not a land use issue. She suggested that Mr. Hamer may be able to answer those questions.

Ms. Cantrell questioned the projects on the list that are not before the Planning Commission today. In response, Ms. Matthews stated that these projects are not new and the Office of Sustainability has been funded through the City and Mr. Hamer could probably answer that question as well.

Gary Hamer, Capital Planner for the City of Tulsa, stated that on the return, he doesn't know how the Sustainability Department calculated the return, but he could find out and report back to the Planning Commission. He believes that the CIP before the Planning Commission today is referring to the energy savings, but also there are some ancillary benefits that may be more quantifiable than just the straight energy savings.

Mr. Leighty stated that he was thinking that if one could accomplish all of those things and get a better return, then the funds would be freed up. Mr. Hamer stated that \$65,000,000 dollars a year would certainly help the City of Tulsa in their current budget situation.

Mr. Leighty asked who prioritizes these things and what other applications or interest was there in these funds. In response, Mr. Hamer stated that he is not certain as to how many other applications there were. This is a Federal program that was made available to cities across the nation. The City of Tulsa applied for the funds and received them on an allocation basis. There is a set category of what these funds can be spent for and that limits the type of projects that can be done and that in itself pares the list down on what the funds can be spent on. Out of the narrow lists of qualifications in the grant, what they can be applied to in terms of the City's capital and infrastructure, it narrowed the list to these types of projects. There are not that many projects that these funds could be applied to.

Mr. Leighty asked who actually decides what gets in the CIP list and what doesn't. Mr. Hamer stated that he believes the City of Tulsa Mayor has to sign off on the application, and when they apply to the Department of Energy, they specify what the funds are to be spent on.

Mr. Midget stated that it is a combination of both internal departments, Public Works being one. The Mayor's management team and the Mayor will set out to look at what the funds could be used for and then decide what projects to apply the funds for when applying for the application.

Ms. Cantrell stated that she doesn't remember ever seeing Project 1, 5, 6 or 7 before the Planning Commission. Ms. Matthews stated that this is a first-time grant, EECBG, and these are not necessarily on the Capital Improvements project list. These are the projects that the Federal Government has elected to fund and the one before the Planning Commission is one that the City would like to have on the CIP list.

TMAPC Action; 7 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to recommend **APPROVAL** of the additional CIP Project 3 - Energy Efficient Traffic Control & Pedestrian Signal Retrofit - \$740,000 finding it in accord with the Comprehensive Plan.

PUBLIC HEARING

10. **BOA – 21076** – (9226) Plat Waiver (PD 9) (CD 2)
1238 West 41st Street South

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Special Exception to allow a center/meeting and performance activity use in an existing multi-space center.

Staff provides the following information from TAC at their July 1, 2010 meeting:

ZONING:

TMAPC Staff: The new use and space is a rental unit in an existing structure.

STREETS:

No comment.

SEWER:

No objection to the plat waiver. However, the existing sanitary sewer line is 18 inches in diameter and is not available for new taps. If any new sewer connections are necessary, a mainline extension of an 8 inch line will be required.

WATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver because of the existing structure grandfathered with no platting previously required.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to **APPROVE** the plat waiver for BOA-21076 per staff recommendation.

- 11. **BOA – 21116** – (8309) Plat Waiver (PD 18B) (CD 8)
7220 South Yale Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Special Exception for an assisted living use.

Staff provides the following information from TAC at their July 1, 2010 meeting:

ZONING:

TMAPC Staff: Existing use, but had never received the proper Special Exception. Property has been previously platted.

STREETS:
No comment.

SEWER:
No comment.

WATER:
No comment.

FIRE:
No comment.

UTILITIES:
No comment.

Staff recommends **APPROVAL** of this previously platted property for a plat waiver.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

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

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

- | | YES | NO |
|--|-----|----|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan? | | X |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | | X |
| 6. Infrastructure requirements: | | |
| a) Water | | |
| i. Is a main line water extension required? | | X |
| ii. Is an internal system or fire line required? | | X |
| iii. Are additional easements required? | | X |
| b) Sanitary Sewer | | |
| i. Is a main line extension required? | | X |
| ii. Is an internal system required? | | X |
| iii. Are additional easements required? | | X |
| c) Storm Sewer | | |
| i. Is a P.F.P.I. required? | | X |
| ii. Is an Overland Drainage Easement required? | | X |

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to **APPROVE** the plat waiver for BOA-21116 per staff recommendation.

- 12. **CBOA – 2381** – (1333) Plat Waiver (County)
4301 East 66th Street North

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Special Exception to permit a cemetery and accessory funeral home in an AG zone.

Staff provides the following information from TAC at their July 1, 2010 meeting:

ZONING:

TMAPC Staff: There is an existing cemetery use but the request added several interior buildings.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment. Out of City. Contact servicing fire department for requirements.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for the previously platted cemetery use.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to **APPROVE** the plat waiver for CBOA-2381 per staff recommendation.

- 13. **CBOA – 2369 – (7224)** Holy Angels Apostles (County)
 Church of Tulsa, Inc. – Plat Waiver
 15710 South Peoria Avenue (continued from 5/19/2010 and 6/16/2010)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a County Board of Adjustment case requesting an additional cemetery use for an existing church use (Holy Apostles Church).

Staff provides the following information from TAC at their May 6, 2010 meeting:

ZONING:

TMAPC Staff: This case involves an addition of a cemetery to a platted church use.

STREETS:

Sidewalks required per subdivision regulations. Access is limited to 36 feet in width each.

SEWER:

Out of Tulsa service area. No comment.

WATER:

Site located in the service area of Creek RWD # 2.

STORM DRAIN:

No comment.

FIRE:

Applicant shall get with responding fire department for comments pertaining to this plat waiver.

UTILITIES:

No comment.

County Engineer:

No concerns.

Staff can recommend **APPROVAL** of the plat waiver conditioned upon Board of Adjustment approval of the requested use. The Board will review the case the day before this planning commission agenda date.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

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

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

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to **APPROVE** the plat waiver for CBOA-2369 per staff recommendation.

14. **Z-7156 – Roy D. Johnsen/Sunset Hill Development, LLC** **RS-3 to RS-4**
South and west of the southwest corner of East 41st Street and South Lynn Lane Road (PD-17) (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 21690 dated December 20, 2007, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7075 December 2007: All concurred in approval of a request for rezoning a 122± acre tract of land from AG to RS-3 on the east 80± acres and RS-4 on the northwest 40 acres, on property located west of the southwest corner of East 41st Street and South Lynn Lane Road and a part of the subject property.

Z-7048 March 2007: All concurred in approval of a request for rezoning a 46.7± acre tract of land from AG to RS-4 for single-family development on property located south of southwest corner of East 41st Street South and South 177th East Avenue.

PUD-733 January 2007: All concurred in approval of a request for a Planned Unit Development on a 13.6± acre tract of land for commercial development, on property located at the northeast corner of South 177th East Avenue and East 41st Street South.

Z-7028 August 2006: All concurred in approval of a request to rezone a 10+ acre tract from AG to RS-3 on property located south of southwest corner of East 41st Street and South 177th East Avenue.

Z-7006 January 2006: All concurred in approval of a request to rezone an 80± acre tract from RS-3 to RS-4 for Residential purposes located south of the southeast corner of East 41st Street South and South 177th East Avenue.

Z-6999 September 2005: All concurred in approval of a request to rezone a 90± acre tract locate west of the southwest corner of East 41st Street and 193rd East Avenue from AG/RS-3/OL/ CS to RS-4 for single-family development.

Z-6970 February 2005: All concurred in approval of a request to rezone a ten-acre tract located south of the southwest corner of East 49th Street and South 177th East Avenue, from AG to RS-3.

PUD-711 February 2005: Approval was granted for a gated single-family development for 38 lots. The property is located west of the northwest corner of East 51st Street and South 177th East Avenue.

Z-6913 October 2003: A request to rezone 11.6 acres, located west of the northwest corner of East 51st Street and South Lynn Lane (South 177th East Avenue) from AG to RS-4. Staff recommended denial on the grounds there were no other zoning and development patterns in the area with RS-4 zoning. Staff recommended the applicant re-submit the application along with a Planned Unit Development.

Z-6911 September 2003: Approval was granted to rezone 160 acres located east of the northeast corner of East 51st Street South and South 161 East Avenue from AG to RS-3 for single-family development.

Z-6500 September 1995: The TMAPC and City Council approved rezoning from AG to RS-4 on a property north of East 51st Street between South 177th East Avenue and South 193rd East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 82.06± acres in size and is located south and west of the southwest corner of East 41st Street and South Lynn Lane Road. The property appears to be vacant and is zoned RS-3.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 41 st Street	Secondary arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land and a single-family residential use under development zoned AG/RS-3; on the north by vacant land and large-lot single-family residential use, zoned AG; on the south by single-family residential uses, zoned RS-3; and on the west by vacant land-, zoned AG/RS-4.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 17 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Low Intensity-No Specific land use. According to the Zoning Matrix, the requested RS-4 zoning is in accord with the Plan.

STAFF RECOMMENDATION:

Surrounding zoning districts are all either AG or RS-3/RS-4. Uses association on these properties are single-family residential or vacant/agricultural. A large area of RS-4 zoned property abuts the subject property on its northwest boundary. For these reasons, staff can support the requested rezoning and recommends **APPROVAL** of RS-4 zoning for Z-7156.

TMAPC COMMENTS:

Ms. Wright asked how, given the new Comprehensive Plan and vision, this application is in compliance with that vision because it looks like the same old subdivision. Ms. Matthews stated that the new Comprehensive Plan shows this subject area as a growth area. Ms. Wright asked if subdivisions are supposed to have the commercial whatever to service it. Ms. Matthews reminded Ms. Wright that the City hasn't approved the PLANITULSA Plan yet and it is still under the current plan. Ms. Wright asked if the applicant is trying to squeak this under.

Mr. Boulden stated that the Council will be voting on the Comprehensive Plan on Thursday, July 22, 2010. The recommendation for the Planning Commission is that it is consistent with the current Comprehensive Plan and possibly by the time this gets to the City Council the question would be what Comprehensive Plan would be in effect. Ms. Wright asked if this application should be continued two weeks. In response, Mr. Alberty stated that this application would also be consistent with the new Comprehensive Plan. This is in an area that is designated for a new neighborhood and not a new commercial area. He believes that Ms. Wright is confusing the development in an area designated for retail or commercial development with an area designated for residential development. This is not a mixed-corridor; it is not designated under the new plan as any neighborhood center, or regional center. This application would be consistent with either plan and the new plan simply states new neighborhood and RS-4 is consistent with it.

Mr. Leighty asked what the lot size difference is between and RS-3 and RS-4. Mr. Alberty stated that the key difference for most developers is that RS-4 permits 50-foot lot width, where RS-3 is 60 feet. The new plan would encourage increased density and this would be consistent with the new plan.

Mr. Boulden stated that his only point for bringing this up earlier is that if there is a motion to approve this, that it would include some statement that it is consistent with the current and the future Comprehensive Plan.

Ms. Wright stated that today the Planning Commission is only approving the zoning and not a PUD. By the time the PUD is before the Planning Commission the new Comprehensive Plan will be in place. Ms. Matthews informed Ms. Wright that there is no request for a PUD.

Applicant's Comments:

Roy D. Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing Steve Brown, stated that RS-3 and RS-4 are both single-family developments and are compatible with each other. Mr. Johnsen cited the various RS-4 and RS-3 zonings in the subject area. Developers are finding that the market is calling for smaller lots with a nice home. His client is known for his quality of development and because it is a smaller lot doesn't intend to be a substandard development. The homes will be within the \$180,000.00 to \$220,000.00 range.

Mr. Johnsen submitted a conceptual site plan (Exhibit A-1). Mr. Johnsen stated that the conceptual site plan is to find what yield there would be. There will be a number of 60-foot front lots within the subdivision and there will be some that are 55 feet. Mr. Johnsen cited the open space, and other amenities that will be provided.

Mr. Johnsen stated that he received one phone call from a resident to the south and Mr. Brown contacted her and she is satisfied after seeing the concept plan.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to recommend **APPROVAL** of the RS-4 zoning for Z-7156 per staff recommendation.

Legal Description for Z-7156:

A TRACT OF LAND THAT IS THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4, NE/4) AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4, NE/4) AND THE WEST TWO (2) ACRES OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4, NE/4) OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: Beginning at the Northwest corner of the Northeast Quarter (NE/4) of said Section 26; Thence N 88° 40' 55" E, along the North line of said Northeast Quarter (NE/4), a distance of 1323.34 feet, to the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW/4, NE/4) of said Section 26; Thence continuing N 88° 40' 55" E, along the North line of said Northeast Quarter (NE/4), a distance of 66.17 feet, to the Northeast corner of the West Two (2) acres of the Northeast Quarter of the Northeast Quarter (NE/4, NE/4); Thence S 01° 18' 59" E, along the East Line of said West Two (2) acres, a distance of 1317.43 feet to the Southeast corner of said West Two (2) acres; Thence S 88° 41' 35" W, along the South Line of said West Two (2) acres, a distance of 66.18 feet to the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW/4, NE/4); Thence S 01° 18' 57"

E, along the East Line of the Southwest Quarter of the Northeast Quarter (SW/4, NE/4), a distance of 1317.42 feet to the Southeast corner of said Southwest Quarter of the Northeast Quarter (SW/4, NE/4); Thence S 88° 42' 14" W, along the South Line of said Southwest Quarter of the Northeast Quarter (SW/4, NE/4), a distance of 1324.00 feet to the Southwest corner of said Southwest Quarter of the Northeast Quarter (SW/4, NE/4); Thence N 01° 18' 04" W, along the West Line of the Northeast Quarter (NE/4), a distance of 2634.34 feet to the Northwest corner of said Northeast Quarter (NE/4), and the Point of Beginning. SAID TRACT CONTAINS 3,574,475.60 SQUARE FEET / 82.06 ACRES.

15. **Z-7151 – David Rogers**

IM to CS

Southeast corner of East 6th Street and South Xanthus Avenue (corrected legal description)

(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-6912 November 2003: All concurred in approval of a request for rezoning 7916.25± square feet of land from IM to CS for office machine sales on property located southwest corner of East 6th Street and South Xanthus Place and abutting east of subject property.

Z-6415 October 1993: The Hillcrest blanket-zoned neighborhood was rezoned from RM-2 to RS-4, at the neighborhood's request and the TMAPC's sponsorship, on property located southeast of subject property.

Z-6414 October 1993: The Wells blanket-zoned neighborhood was rezoned from RM-1 to RS-4, at the neighborhood's request and the TMAPC's sponsorship, on property located north of the subject property.

BOA-15682 March 26, 1991: The Board of Adjustment approved a *Special Exception* to permit an antique and furniture store only (Use Unit 14) in an IM district; a *Variance* of the required number of off-street parking spaces from 54 to 18; and a *Variance* to permit required off-street parking to be located on a lot not containing the principal use; subject to the prohibition of a flea market operation, as well as any auctions being conducted on the property; and to the parking lot to the west being retained as parking for the antique and furniture store during the term of the lease; finding the use, as presented compatible with the area; and finding a hardship imposed by the size of the building in an IM zoned district, and the fact that the building has limited parking and almost any use made of the

building would require relief by the Board, on property located at 1924 East 6th Street and abutting west of subject property across South Xanthus Street.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .96+ acres in size and is located at the southeast corner of East 6th Street and South Xanthus Avenue. The property appears to be vacant and is zoned IM. The southern portion of the tract abuts South Xanthus Place and a railroad track abuts it on the south. This was the original ice house in Tulsa and is quite old.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 6 th Street	Collector	56'	4
South Xanthus Avenue	N/A	N/A	2
South Xanthus Place	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 mixed commercial/residential uses, zoned CS and RS-4; on the north by mixed industrial/commercial uses, zoned IM; on the south by railroad tracks, zoned IM; and on the west by mixed industrial/commercial/office uses, zoned IM. This is an older industrial area that was and is served by the railroad.

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 Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CS zoning is **not** in accord with the Plan. However, a large part of the area so designated on the Plan has been zoned IM for many years, which designation is also not in accord with the Plan. Staff believes the designation is in error and that, at the very least, the Residential land use overlay should be removed. With the Residential designation, the requested CS zoning is **not** in accord with the Plan. Without it, the CS would have been in accord.

STAFF RECOMMENDATION:

The applicant is seeking a mixed use approval for CS zoning which is not currently in accord with the District Detail Plan. Along with the commercial use of part of the property, the applicant proposes to renovate this historic building as residential use for his family and caretakers. In light of the ongoing discussions in favor of allowing mixed uses in some areas, staff can support the requested CS zoning, finding that RS-4 and CS zoning and uses currently exist to the east

of the subject property. The property's reuse would actually be less intense than the IM as it is currently zoned. Therefore, staff recommends **APPROVAL** of CS zoning for Z-7151.

Ms. Matthews stated that the Planning Commission approved this in June, 2010, but the legal description was incorrect as presented to staff. State Statutes require readvertisement and a public hearing for the corrected legal description of the subject property. TMAPC unanimously approved the CS zoning in June 2010.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to recommend **APPROVAL** of the CS zoning for Z-7151 per staff recommendation.

Corrected Legal Description for Z-7151:

The west 126 2/3 ft of Lots 1, 2, 3, 4 and 5, and all of Lots 6, 7, 8, Block 3, ABCO's Addition, and Lot 1, Central Place subdivision, addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

16. **Z-7152 – Roy D. Johnsen/101st & Yale Properties, LLC** **RS-4/PUD to OL/PUD**
East of southeast corner of East 101st Street and (PD-26) (CD-8)
South Yale Avenue (corrected legal description)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22102 dated August 3, 2009, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-516-B August 2009: All concurred in approval of a proposed Major Amendment to PUD on a 1.73± acre tract of land to include Children's Nursery only within Use Unit 5 and to amend development standards to accommodate new use, on property located east of southeast corner of East 101st Street and South Yale Avenue and the subject property.

Z-6844/PUD-658 March 2002: All concurred in approval of a request for rezoning on a 2.5± acre tract of land from AG to OL/CS and a proposed Planned Unit Development for a mixed use development on property located on the northwest corner of East 101st Street South and South Yale Avenue.

PUD-516-A June 1999: All concurred in approval of a proposed Major Amendment to PUD on a .81± acre tract of land to reallocate floor area and add Development areas for mixed use development on property located south of southeast corner of East 101st Street South and South Yale Avenue and a part of subject property

Z-6572/PUD-552 December 1996: All concurred in approval of a request to rezone a 2.5 acre tract from AG to RD/PUD and a proposed Planned Unit Development for a residential elderly housing facility, on property located on the southeast corner of South Yale Avenue and East 102nd Street and south the subject tract.

PUD-538-A November 1996: All concurred in approval of a proposed Major Amendment to PUD-538 to add a dry cleaner and laundry business on property located in the northeast corner of East 101st Street and South Yale.

Z-6498/PUD-538 September 1995: All concurred in approval of a request to rezone a 5± acre tract from RM-2 to RM-2/CS/PUD and a proposed Planned Unit Development. They approved CS zoning for all except the west 150' and the south 150' of the tract which was designated for OL zoning, on property located on the northeast corner of E. 101st Street S. and S. Yale Avenue and across E. 101st Street from the subject tract.

Z-6451/PUD-516 July 1994: A request to rezone a 10± acre tract of land from AG to CS and RS-4 for office and multifamily development. Staff and TMAPC could not support CS zoning and uses because of the school which is located across S. Yale from the property. It was recommended for the request to be amended and re-advertised for OL zoning to a depth of 150' fronting Yale and E. 101st Street, with CS adjacent to the OL zoning on a tract approximately 300' x 150' and RS-4 on the balance of the tract. City Council concurred in approval of the amended request as recommended by TMAPC on the subject property.

BOA-15228 September 1989: The Board of Adjustment approved a Special Exception to permit a public school in an RM-2, RM-0, RS-3 and RS-2 zoned district on property located on the southwest corner of E. 101st Street South and South Yale Avenue and west of the subject tract.

Z-6202/PUD-440 August 1988: All concurred in approval of a request to rezone a 10± acre tract from AG to RS-2/PUD and a proposed Planned Unit Development located south and east of the southeast corner of East 101st Street and South Yale Avenue and southeast of the subject tract.

BOA-11843 March 18, 1982: The Board of Adjustment approved a Special Exception for community, cultural, and educational uses (church and private school) in an AG district, subject to the following conditions: That the total student population of the school not exceed 800; that the proposed buildings be complete with brick exterior in a Williamsburgh architecture style before occupied; that a subdivision plat be filed, subject to a letter being written by the Staff to the Hydrology Department expressing the Board's concern with the drainage in the subject area; that no traditional sanctuary be permitted on the subject property without a public hearing as per plot plan submitted; that a monument-type business sign be permitted with shrubbery lights not to exceed 32 square feet; that all the buildings have windows and shutters in accordance with the Williamsburgh style; and subject to the applicant returning to the Board with detailed plans concerning the proposed gymnasium before a building permit is issued for the facility, on property located east of the southeast corner of East 101st Street and South Yale Avenue.

BOA-11508 June 11, 1981: The Board of Adjustment approved a Special Exception to permit a church, church school, and related activities, per plans submitted with the condition that plans for any future structures on the property be submitted to the Board for approval, on property located east of the southeast corner of East 101st Street and South Yale Avenue and abutting east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .161± acres in size and is located east of the southeast corner of East 101st Street and South Yale Avenue. The property appears to be vacant and is zoned RS-4/PUD. A previous case, PUD-516B, was to allow for offices and a children's nursery.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 101 st Street South	Secondary arterial	100'	2

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant land, zoned PUD-516B; on the north by mixed office and commercial uses, zoned PUD-538A; on the south by single-family residential uses, zoned RS-4; and on the west by mixed office, retail and related parking uses, zoned PUD-516B.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 26 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 2, defined as an area of steep slopes and erodible soils. Plan policies call for the area to be developed at low intensities unless done through a PUD. According to the

Zoning Matrix, the requested OL/PUD zoning **may be found** in accord with the Plan due to its location within a Special District.

STAFF RECOMMENDATION:

Based on the surrounding land uses and the small size of the site in question, staff can support the requested rezoning. Therefore, staff recommends **APPROVAL** of OL/PUD zoning on Z-7152.

Ms. Matthews stated that the legal description was incorrect and State Statutes require a readvertisement with a correct legal description and a public hearing. The Planning Commission approved this application unanimously before. The PUD related to this rezoning has already been approved and doesn't have a problem with the legal description.

Applicant's Comments:

Roy D. Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, stated that there was an amendment to the PUD and additional floor area was sought for office purposes and the subject tract had both residential and office zoning on it. To get to the square footage needed for the office there was a small amount of residential rezoned to office to generate the necessary floor area for the proposed development. The project was approved without objection and this was purely a way of getting there. The error occurred during the transcription of the description and it should be 473.40 feet and the original description stated 437.40 feet and those things happen. This is to correct that legal description.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **7-0-0** (Cantrell, Edwards, Leighty, Liotta, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, McArtor, Shivel "absent") to recommend **APPROVAL** of the OL/PUD zoning for Z-7152 per staff recommendation.

Corrected Legal Description for Z-7152:

The East 23.40 feet of the West 473.40 feet of the North 300.00 feet of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4 NW/4) of Section 27, Township 18 North, Range 13 East, of the Indian Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. government survey thereof. Said tract containing 7,020.00 sq. ft. / 0.161 acres, more or less.

OTHER BUSINESS:

Commissioners' Comments

Ms. Cantrell stated that the Planning Commission will have problems until the Zoning Code is changed. There are things that we want to see from the Comprehensive Plan and they can't be done under the current Zoning Code. She encouraged the Planning Commissions to encourage anyone that they are talking to start looking for money to update the Zoning Code.

Ms. Cantrell sent best wishes to Gail Carnes and to let him know that our thoughts are with him.

Ms. Wright thanked the Sign Advisory Board for the excellent training session held today.

There being no further business, the Chair declared the meeting adjourned at 2:00 p.m.

Date Approved:

8-3-10

Joshua A. Walk
Chairman

ATTEST:

[Signature]
Acting Secretary