TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2593
Wednesday, January 5, 2011, 1:30 p.m.
City Council Chamber
One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present
Cantrell
Carnes
Dix
Edwards
Leighty
Liotta
McArtor
Shivel
Walker
Wright

Members Absent
Midget

Staff Present
Albery
Bates
Fernandez
Huntsinger
Matthews
Sansone

Others Present
Boulden, Legal
Steele, Sr. Eng.

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, December 29, 2010 at 2:49 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Cantrell, called the meeting to order at 1:30 p.m.

REPORTS:
Director's Report:
Mr. Alberty reported on the BOCC and City Council agendas. He further reported on the items to be discussed at the next TMAPC work session for January 19, 2011. Mr. Alberty reported that a new member has been appointed by the County to replace Ms. Wright, Ryon Stirling, and he will be attending his first meeting on January 19, 2011.

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Minutes:
Approval of the minutes of December 7, 2010 Meeting No. 2591
On MOTION of WRIGHT, the TMAPC voted 9-0-1 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, McArtor, Walker, Wright “aye”; no “nays”; Shivel “abstaining”; Midget “absent”) to APPROVE the minutes of the meeting of December 7, 2010, Meeting No. 2591.

Minutes:
Approval of the minutes of December 15, 2010 Meeting No. 2592
On MOTION of WRIGHT, the TMAPC voted 9-0-1 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, McArtor, Walker, Wright “aye”; no “nays”; Shivel “abstaining”; Midget “absent”) to APPROVE the minutes of the meeting of December 15, 2010, Meeting No. 2592.

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The following Items have been withdrawn from the agenda:

3. **LS-20400** – Tim Terral, TEP (9319) Lot-Split (Withdrawn)
   North of East 32nd Street South and South Peoria Avenue

4. **LS-20411** – Tim Terral, TEP (9319) Lot-Split (Withdrawn)
   North of East 32nd Street South and South Peoria Avenue

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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.

5. **LS-20412** – Ricardo and Joseph Havlik (9408) Lot-Split (CD 6)
   East of the Northeast corner of East 19th Street South and South Garnett Road, 11321 and 11403 East 19th Street South
6. **PUD-300-8 – Andrew Shank/Ahmady’s Persian Rugs**

Northeast corner of East 81st Street South and South Sheridan Road (Minor Amendment to increase the permitted display surface area for wall signs on Tract A only of PUD-300.)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the permitted display surface area for wall signs on Tract A only of PUD-300. Tract A of PUD-300 encompasses the building on the hard corner of 81st Street South and South Sheridan Road and is the only tract in the PUD for which the increase is being sought.

Currently the PUD restricts wall signs to 1.5 square feet (SF) of display surface area (DSA) per lineal foot of building wall to which the sign is affixed. This is reasonable, especially for the eastern and northern portions of the PUD which are adjacent to residential development. However, the property, which is subject of this request is at the hard corner of two arterial streets and could not affect any residually-zoned or used property.

The CS/PUD zoned property immediately west of the subject tract permits wall signs to have 1.5 SF of display area per lineal foot of building wall. The CS zoned property on the southwest corner of 81st and South Sheridan permits wall signs at three SF per lineal foot of wall, while the CS/PUD zoned property to the south of the subject tract permits wall signs at two SF per lineal foot of wall. Staff contends an increase from 1.5 SF to two SF per lineal foot of building wall for Tract A is not out of context with what is permitted on surrounding properties and will not substantially alter the size, location, number and character (type) of the signage permitted by the PUD.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-300-8 for Tract A only of PUD-300.

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

The applicant is requesting approval of a detail site plan for a 5,638 square foot veterinary clinic. The proposed use, veterinarian clinic as provided in Use Unit 14 – Shopping Goods and Services, is a permitted use in PUD-628-B.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from East 93rd Street South. Parking is provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. Landscaping will be provided per the PUD and landscape chapters of the Zoning Code. A trash enclosure is provided as required by the PUD.

Since the submitted plan meets all requirements of the PUD and PUD chapter of the Code, staff recommends APPROVAL of the detail site plan for Lot 2, Bock 1 – Cedar Ridge Park.

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

9. **AC-103 – HRAOK/Dwayne Wilkerson/QuikTrip**  
Northwest corner of Pine Street and North Mingo Road  
(Alternative Compliance Landscape Plan for a QuikTrip store.)

STAFF RECOMMENDATION:

The applicant is requesting approval of an alternative compliance landscape plan for a QuikTrip* (QT) store. Triggering the need for a new landscape plan is a proposed parking lot expansion on the north side of the store (see attached sheet L100). The proposed plan does not meet the technical requirements of Chapter 10 since five parking spaces in the front and rear of the store are not within 50' of a landscaped area.

Referring to attached sheet L100, the parking spaces which are not within 50' of a required landscaped area are typical of most QT Stores, given the long, rectangular shape of the building in relationship to the square nature of their lots.
To compensate the applicant is proposing to plant extra trees in the street yards with an extra planting bed on the eastside of the store. The landscape bed will be planted with extra Crape Myrtle trees. There will be five extra trees planted along the Mingo frontage and two along the Pine Street Frontage with a perimeter landscape strip along the north and west boundaries with Honey Locust, Crepe Myrtles and existing Bradford Pear trees.

While the proposed plan does not meet the technical requirements of Chapter 10 staff feels the plan meets or exceeds the technical requirements of Chapter 10 as required by Section 1003-D of the Code. Therefore, staff recommends APPROVAL of alternative compliance landscape plan AC-103.

10. **AC-104 – Sack & Associates/Mark B. Capron/Bama Companies**

   East of the northeast corner of East Pine Street and North Yale Avenue (Alternative Compliance Landscape Plan to preserve a 300-foot wide, 297,551 square foot landscape buffer on the east side of the 50 acre tract.)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval of an alternative compliance landscape plan for this 50-acre tract located immediately adjacent to the Burlington Northern Railroad line, east of the northeast corner of North Yale Avenue and East Pine Street. The property is zoned IL and is the site of a BAMA Blending Facility.

Triggering the necessity of an updated landscape plan is intent to pave a small parking lot in front of the building located closest to Pine Street (see attached Exhibit A). The proposed plan would not meet the technical requirements of Chapter 10 of the Code in that there would not be enough street yard trees. The applicant intends to preserve the grass strip along Pine Street.

In 1992, in BOA-16115 the Board of Adjustment (BOA) granted a variance to allow this parking lot to be gravel for a period of ten years. At that hearing the applicant cited, and the BOA agreed, that since the property was a former City of Tulsa landfill soil conditions on the site were not conducive to asphalt paving (see attached BOA case report and meeting minutes). Staff has conducted a site visit and contends that the ground along Pine Street in this area is extremely hard, packed gravel and rock and may not be the best condition for growing trees.

In the alternative, the applicant proposes to preserve a 300-foot wide, 297,551 square foot landscape buffer on the east side of the 50+ acre tract. This area has an excessive number of six-foot or wider caliper trees, provides an excellent area for stormwater run-off and a more than adequate buffer for the
neighborhood to the east. This area provides far more trees than would be required on site and clearly exceeds the tree requirements of Chapter 10.

Staff recommends APPROVAL of landscape alternative compliance plan AC-104.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On MOTION of MCARTOR, TMAPC voted 10-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to APPROVE the consent agenda Items 5, 6, 7, 9 and 10 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

8. PUD-766 – Sunny Investment Properties/Jack-in-the-Box  
   North of the northwest corner of 51st Street South and South Yale Avenue (Detail Site Plan for a 2,895 square foot restaurant.)

   **STAFF RECOMMENDATION:**
   The applicant is requesting approval of a detail site plan for a 2,805 square foot (SF) restaurant. The proposed use, Use Unit 12 – Eating Establishments other than Drive-ins is a permitted use in PUD-766.

   The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from Yale Avenue. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. All site lighting including building mounted will be limited to 25'. Lighting will be directed down and away from adjoining properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level in any residential district. A trash enclosure will be provided as required by the PUD. Sidewalks will be provided where not existing along 54th Street Yale Avenue as required by PUD Development Standards and Subdivision Regulations. Distinct pedestrian access is provided from the sidewalk along 54th Street Yale Avenue through the parking lot to the front of the restaurant.
Staff recommends **APPROVAL** of the detail site plan for Lot 8, Block 1/Tract 8A – 51 Yale.

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

**TMAPC COMMENTS:**
In response to Ms. Cantrell, Mr. Sansone stated that when the remainder of Lot 8 comes in for a detail site plan review, staff will look for the pedestrian access as it was approved with the PUD and also look for some connectivity between the two lots.

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, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the detail site plan for PUD-766 as corrected per staff recommendation. (Language underlined has been added and language with a strike-through has been deleted.)

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**THE FOLLOWING ITEMS HAVE REQUESTED A CONTINUANCE:**

12. **The Boulevard** – (9426) Preliminary Plat (CD 6)

North of the Northwest corner of South 177th East Avenue and East 51st Street (Applicant requests continuance to the January 19, 2010 meeting.) (Related to Item 13.)

**STAFF RECOMMENDATION:**
Applicant has requested a continuance to January 19, 2011 in order to meet with staff and discuss their application.

**TMAPC Action; 10 members present:**
On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the preliminary plat for The Boulevard to January 19, 2011.

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13. **PUD-780 – HRAOK/Dwayne Wilkerson**

North of the northwest corner 51st Street and 177th East Avenue (PUD) (Applicant has requested a continuaunce to January 19, 2011 to meet with staff and discuss the project.) (Related to Item 12.)

**STAFF RECOMMENDATION:**
Applicant has requested a continuaunce to January 19, 2011 in order to meet with staff and discuss their application.

**TMAPC Action; 10 members present:**
On **MOTION** of LEIGHTY, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** PUD-780 to January 19, 2011.

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**PUBLIC HEARING**

11. **Springs at Mingo Creek** – (9428) Preliminary Plat

North of 51st Street, West of South 145th East Avenue

**STAFF RECOMMENDATION:**
This plat consists of one lot, one block, on 10.33 acres.

The following issues were discussed December 16, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned OL (office light) and RM-1 (residential multi-family) with BOA 21146 approved for "a multi-family dwelling use (Use Unit 8) in the OL district (Section 601) to permit an adjoining proposed multi-family dwelling development’s leasing office/resident clubhouse, outdoor pool area, and mail kiosk and signage, with the condition that sidewalks be included along any and all public rights-of-way in the development. It is noted there are no multifamily units in the OL portion of this project; this will return for a subdivision plat, per conceptual plan 3.7." Concern about the street access eventually continuing north was expressed and it was determined that the cul-de-sac will be a public street and will be constructed as part of the infrastructure required for the development by the apartment developer. It will be considered as a collector to provide access to the north.
A property owners association is recommended to control maintenance of the open space and amenities.

2. Streets: Show Limits of No Access at property line fronting 51st Street. Call out right-of-way as “Dedicated by this Plat.” Include section on sidewalks. Show sidewalk on both sides of South 136th East Avenue.

3. Sewer: Add the distances and bearings for the off-site sanitary sewer easement to the face of the plat.


5. Storm Drainage: All off-site drainage flowing onto the site is public drainage, and must be collected at the property line, and thence be conveyed across the property in a public drainage system with the capacity to convey the fully-urbanized 100 year rainfall runoff. To accomplish this add “and ODE” (overland drainage easement) to the northern and western perimeter U/E. Draw a leader from the “Zone AE” note to the floodplain line. Remove Section 1.1.3; it is unacceptable. Add the standard language for an overland drainage easement. The Conceptual plan does not indicate how public drainage, flowing onto the site, is collected and conveyed across the site.


7. Other: Fire: Some fire lane markings may be needed.

GIS: Kum and Go Gas Station is platted on the County Assessor’s map as # 77664 Windham Hill and should be labeled that way on the location map. Provide the CA number and renewal date for the engineer. Please make note on the face of the plat any benchmarks and the size, location, description and identification of all monuments to be set or found in making the survey, shown to assure the re-establishment of any point or line of the survey. Submit a subdivision control data form. Add all separate instrument document numbers before submitting the final plat.

Staff recommends APPROVAL of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.
Special Conditions:

1. The concerns of the Public Works Department and Development Services 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, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to APPROVE the preliminary plat for Springs at Mingo Creek per staff recommendation, subject to special conditions and standard conditions.

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14. CZ-405 – Coy Lee White RS to CG
   South of the southwest corner of Southwest Boulevard & South 56th West Avenue (Oakhurst)

STAFF RECOMMENDATION:
ZONING RESOLUTION: Resolution number 98254- dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:
CZ-221 October 1995: A request rezoning a .67± acre tract of land from RS to CG for used car and auto repair, on property located on the southeast corner of South 61st West Avenue and Southwest Boulevard and west of subject property. All concurred in approval of rezoning Lot 22 to CG and denial of the remainder.

CZ-149 June 1986: A request rezoning a .7± acre tract of land from RS to CG on property located south of southwest corner of South 57th West Avenue and Southwest Boulevard. All concurred in approval of Lots 29 and 30 only to CG and denial of the remainder.

AREA DESCRIPTION:
SITE ANALYSIS: The subject property is approximately 16,250± square feet in size and is located south of the southwest corner of Southwest Boulevard & South 58th West Avenue. The property appears to be vacant and is zoned RS.

SURROUNDING AREA: The subject tract is abutted on the east by commercial land adjacent to Southwest Boulevard, zoned CG and vacant land zoned RS; on the north by Southwest Boulevard, zoned CG; on the south by mixed uses, zoned RS; and on the west by residential land, zoned RS. This is a very mixed area in terms of land use, with residential, commercial and industrial uses in many cases adjacent to each other.
UTILITIES: Water and sewer are available from the City of Tulsa and from the Taneha Utilities Authority.

TRANSPORTATION VISION:
The Comprehensive Plan does not address this area as such, since it lies outside the City limits. It is within the jurisdiction of the Major Street and Highway Plan.

STREETS:*

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*A bicycle facility is also proposed for this area.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 9 Plan, an adopted part of the Comprehensive Plan, designates this property as Low Intensity-Residential land use. Immediately to the north (and possibly to be included in the proposed development) is designated Medium Intensity-Residential land use. According to the Zoning Matrix, the requested CG zoning is not in accord with the Plan.

STAFF RECOMMENDATION:
The rezoning to CG in itself would be an encroachment into the areas to the south, east and west currently zoned RS. However, not all of the existing land uses reflect their designated zoning classifications. The Oakhurst community is one of extremely mixed uses and conditions, and the Plan designation does not reflect that. Many automotive and related uses currently exist throughout the area. Therefore, staff can recommend APPROVAL of CG zoning for CZ-405.

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, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend APPROVAL of the CG zoning for CZ-405 per staff recommendation.

Legal Description for CZ-405:
Lots 28, 29, 30, 31, and 32, Block 17, East Addition, an addition to Tulsa County, State of Oklahoma, according to the recorded plat thereof.
OTHER BUSINESS:

15. 2011 Election for TMAPC Officers

TMAPC OFFICER SLATE, 2011:
Chair, Bill Leighty

No nominations from the floor.

TMAPC Action; 10 members present:
On MOTION of WRIGHT, TMAPC voted 10-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Midget "absent") to APPROVE Bill Leighty as TMAPC Chair.

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1st Vice Chair, Joshua Walker

No nominations from the floor.

TMAPC Action; 10 members present:
On MOTION of MCARTOR, TMAPC voted 9-0-1 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; Walker "abstaining"; Midget "absent") to APPROVE Joshua Walker as TMAPC 1st Vice Chair.

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2nd Vice Chair, Gene Edwards

No nominations from the floor.

TMAPC Action; 10 members present:
On MOTION of WRIGHT, TMAPC voted 9-0-1 (Cantrell, Carnes, Dix, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; Edwards "abstaining"; Midget "absent") to APPROVE Gene Edwards as TMAPC 2nd Vice Chair.

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Secretary, John Dix

No nominations from the floor.
TMAPC Action; 10 members present:
On MOTION of WRIGHT, TMAPC voted 9-0-1 (Cantrell, Carnes, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; Dix "abstaining"; Midget "absent") to APPROVE John Dix as TMAPC Secretary.

2011 TMAPC OFFICERS:
Bill Leighty, Chair
Joshua Walker, 1st Vice Chair
Gene Edwards, 2nd Vice Chair
John Dix, Secretary

TMAPC COMMENTS:
Ms. Cantrell stated that she has been honored to serve as TMAPC Chair for the last two years and she appreciates everyone’s help. It has been a tough job and it has been great to have the backing of all of the other Commissioners.

Mr. Leighty thanked Ms. Cantrell for her service and stated she did a great job. Mr. McArtor stated that everyone should give Ms. Cantrell a big hand of applause [applause].

Commissioners’ Comments
Ms. Wright stated that she appreciated being on the TMAPC for the past three years and has enjoyed every moment. She feels honored to have been a part of PLANiTULSA, which was a once-in-a-lifetime opportunity. It has been with great respect to the staff and everyone on the TMAPC and work that we do. Ms. Wright thanked all of the Planning Commissioners and staff for the hard work they have done.

Ms. Cantrell thanked Ms. Wright for her service. She stated that they haven’t always agreed, but Ms. Wright has added a good perspective to the Planning Commission. Ms. Wright stated that she isn’t going away.
There being no further business, the Chair declared the meeting adjourned at 2:00 p.m.

Date Approved: January 19, 2011

Chairman

ATTEST: Secretary