TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2605

Wednesday, July 6, 2011, 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		Alberty	Boulden, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	
Edwards		Huntsinger	
Leighty		Matthews	
Liotta		Wagner	
Midget		Putta	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, June 28, 2011 at 3:45 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 Leighty 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 TMAPC receipts for the month of May 2011.

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Minutes:

Approval of the minutes of June 1, 2011 Meeting No. 2603

On **MOTION** of **CARNES,** the TMAPC voted 9-0-1 (Cantrell, Carnes, Dix, Edwards, Leighty, Midget, Perkins, Stirling, Walker "aye"; no "nays"; Shivel "abstaining"; Liotta "absent") to **APPROVE** the minutes of the meeting of June 1, 2011, Meeting No. 2603.

Minutes:

Approval of the minutes of June 15, 2011 Meeting No. 2604

On **MOTION** of **MIDGET,** the TMAPC voted 8-0-2 (Dix, Edwards, Leighty, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Cantrell, Carnes "abstaining"; Liotta "absent") to **APPROVE** the minutes of the meeting of June 15, 2011, Meeting No. 2604.

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AGENDA:

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. **LC-346**, (Lot-Combination) (CD-4) Location: Northwest corner of East First Street and South Iroquois Avenue (related to Item 4)

4. **LS-20443**, (Lot-Split) (CD-4) Location: Northwest corner of East First Street and South Iroquois Avenue (related to Item 3)

5. **LC-345**, (Lot-Combination) (CD-7) Location: Northeast corner of South Peoria Avenue and East 67th Street South

6. **LS-20444**, (Lot-Split) (CD-8) Location: Northwest of the northwest corner of East 121st Street South and South Sheridan Road (related to Item 7)

7. **LC-347**, (Lot-Combination) (CD-8) Location: North of the northwest corner of East 121st Street South and South Sheridan Road (related to Item 6)

8. **Riverbend Gardens** – Final Plat, Location: South and west of southwest corner of West 7th Street and South Elwood Avenue (9211) (CD 4)

9. **Correction of Scrivener's Error** – Lot 6, Block 14, Blocks 8-14, Shadow Mountain Estates

10. **Amendment of Deed of Dedication –** Ridge Crest, Partial vacation of plat of Ridge Crest, Location: South of the southwest corner of East 81st Street and South Garnett Road (8418) (CD 8)

11. **Hyde Park at Tulsa Hills –** Final Plat, Location: East of South U.S. 75, South of West 81st Street (8211) (CD 2)

12. **Jet Port Industrial Park -** Final Plat, Location: West of U.S. 169, North of West 46th Street North (2407) (CD 3)

13. **PUD-117-5 – 9 One 8 Designs/Jeff Davis/Bandon Trails Apartments**, Location: North of the northwest corner of East 91st Street South and South Delaware Avenue, Requesting a Minor Amendment to reduce the required setback from the west boundary of the PUD from 25 feet to 23 feet to reflect as built conditions, **RS-2/RM-1/PUD**, (CD 2)

14. **PUD-460 – Tanner Consulting/Matt Baer/Legend Assisted Living Facility**, Location: North of the northwest corner of East 81st Street South and South Mingo Road, Requesting a Detail Site Plan for a 75 unit assisted living facility, **RS-3/RM-0/CS/PUD**, (CD-7)

15. **AC-107 – Wallace Engineering/Jim Beach/KOTV, Channel 6**, Location: Northeast corner North Boston Avenue and East Cameron Street, Requesting an Alternative Compliance Landscape Plan to allow the five required trees to be planted in the ROW and in exchange plat a total of 31 trees along the ROW of Cincinnati Avenue and Boston Avenue, **CBD**, (CD-1)

COMPREHENSIVE PLAN PUBLIC HEARINGS:

16. **Public Hearing to Consider Amending the Major Street and Highway Plan (MSHP) for the City and County of Tulsa, Oklahoma, and Adopting the Major Street and Highway Plan update as part of the Comprehensive Plan of the Tulsa Metropolitan Area, Resolution No. 2605:904**

ZONING CODE PUBLIC HEARINGS:

17. **Public Hearing to Analyze and Recommend to the City Council Proposed Ordinance Amendments to the Zoning Code Regarding Uses Permitted in a Planned Unit Development (PUD) within the City of Tulsa, Including but not limited to Amending Title 42, Tulsa Revised Ordinances, Section 1103 by Deleting Subsection (A) (3)**

PUBLIC HEARING

18. **Sheridan Medical Park** – Preliminary Plat, Location: 6371 East 67th Place South, Northwest corner of East 67th Place South and South Sheridan Road (833) (CD 7)

19. **Greater Cornerstone Community Center** – Minor Subdivision Plat, Location: South of West 51st Street South, West of South 33rd West Avenue (9233) (CD 2)

20. **Z-7168** – Plat Waiver, Location: Southeast Corner of east Apache and North Rockford Avenue, 1500 East Apache (0330) (CD 3)

21. **Z-7170 – Susanne Thompson/Three C's Medical Clinic**, Location: Southeast corner of West Edison Street and North 27th West Avenue, Requesting **OM to CS**, (CD-1)

22. **Z-7171 – Sisemore Weisz & Assoc., Inc./3B Generation, LLC,** Location: North of northeast corner of East Pine Street and North 129th East Avenue, Requesting **RS-3 to IL**, (CD-6)

23. **Z-7173 – All-Commerce, LLC**, Location: East of southeast corner of East Admiral Place and South 145th East Avenue, Requesting **RS-3 to IL**, (CD-6)

24. **Z-7174 – Lou Reynolds/William K. Warren Medical Research Center, Inc.**, Location: North and west of the northwest corner of South Sheridan Road and East 71st Street, Requesting **OL/OM to CS**, (CD-7)

25. **Z-7175 – TMAPC/M&M Corporation**, Southeast corner of East 1st Street and South Detroit, Requesting **IL to CBD**, (CD-4)

26. **CZ-407/PUD-566-A – Bill Breisch**, Location: Northwest corner of West 41st Street and South 57th West Avenue, Requesting **CS/OL/RS/PUD-566 TO AG/CS/OL/PUD-566-A** and Major Amendment, (County) (Continued from 6/1/11, 6/15/11).

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

Mr. Liotta in at 1:35 p.m.

MINUTES:

CONSENT AGENDA

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TMAPC COMMENTS:
Mr. Leighty stated that Item 15, AC-107 will be stricken from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:
On **MOTION** of **CARNES,** TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** Items 3 through 14 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

15. **AC-107 – Wallace Engineering/Jim Beach/KOTV, Channel 6**, Location: Northeast corner North Boston Avenue and East Cameron Street, Requesting an Alternative Compliance Landscape Plan to allow the five required trees to be planted in the ROW and in exchange plat a total of 31 trees along the ROW of Cincinnati Avenue and Boston Avenue, **CBD**, (CD-1)

Stricken by staff.

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COMPREHENSIVE PLAN PUBLIC HEARINGS:

16. **Public Hearing to Consider Amending the Major Street and Highway Plan (MSHP) for the City and County of Tulsa, Oklahoma, and Adopting the Major Street and Highway Plan update as part of the Comprehensive Plan of the Tulsa Metropolitan Area, Resolution No. 2605:904**

STAFF RECOMMENDATION:

RESOLUTION NO.: 2605:904

RESOLUTION
TULSA METROPOLITAN AREA PLANNING COMMISSION

A RESOLUTION OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC), PURSUANT TO TITLE 19 OKLAHOMA STATUTES, SECTION 863.7; ADOPTING AN AMENDMENT TO THE "COMPREHENSIVE PLAN OF THE TULSA METROPOLITAN AREA", ORIGINALLY ADOPTED ON JUNE 29, 1960 AND AS SUBSEQUENTLY AMENDED; AMENDING THE COMPREHENSIVE PLAN FOR TULSA COUNTY AND INCORPORATED CITY LIMITS OF THE CITY OF TULSA IN THE STATE OF OKLAHOMA; ADOPTING THE MAJOR STREET AND HIGHWAY PLAN UPDATE AS PART OF THE COMPREHENSIVE PLAN OF THE TULSA METROPOLITAN AREA.

WHEREAS, the Tulsa Metropolitan Area Planning Commission ("Planning Commission") is required to prepare, adopt and amend, as needed, a master plan, also known as a comprehensive plan, for the Tulsa metropolitan area, in accord with Title 19 Oklahoma Statutes, Section 863.7; and

WHEREAS, the purpose of such a comprehensive plan is to bring about coordinated physical development of an area in accord with present and future needs and is developed so as to conserve the natural resources of an area, to insure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity and general welfare of the people of the area; and

WHEREAS, pursuant to Title ~~10~~ 19 Oklahoma Statutes, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, a public hearing was held on the 6th day of July, 2011 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19 Oklahoma Statutes, Section 863.7, to adopt The Major Street and Highway Plan as part of the Tulsa

Comprehensive Plan for the Tulsa Metropolitan Area, as contained in the attached plan maps and text.

NOW THEREFORE, BE IT RESOLVED, by the Tulsa Metropolitan Area Planning Commission:

Section 1. That the Comprehensive Plan of the Tulsa Metropolitan Area, as originally adopted by the Tulsa Metropolitan Area Planning Commission on June 29, 1960 and as amended from time to time, shall be and is hereby amended, regarding the Major Street and Highway Plan as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Section 2. That a true and correct copy of the Major Street and Highway Plan map and cross sections identified in the foregoing Section One is attached to this Resolution and incorporated by reference as if fully written herein.

Section 3. That upon adoption by the Tulsa Metropolitan Area Planning Commission, this Resolution shall be transmitted and submitted to the City Council of the City of Tulsa for its consideration, action and requested approval within forty-five (45) days of its submission.

Section 4. That upon approval by the Tulsa City Council, or should the City Council fail to act upon this amendment to the Comprehensive Plan within forty-five (45) days of its submission, it shall be approved with the status of an official plan and immediately have full force and effect as to the ~~downtown~~ Metropolitan Tulsa area.

ADOPTED on this ____ day of July, 2011 by a majority of the full membership of the Tulsa Metropolitan Area Planning Commission, including its ex officio members.

Wayne Alberty, Manager of TMAPC and Boards of Adjustment, INCOG, explained that the Resolution has a scrivener's error and staff will correct it before transmitting.

James Wagner, Senior Transportation Planner, INCOG, presented the Major Street and Highway Plan updates. Mr. Wagner stated that staff has taken the existing right-of-way standards and overlaid on top of them the street designations per the Comprehensive Plan that was adopted last year. By doing this it presents some additional options in terms of the right-of-way. Essentially nothing has changed in terms of the right-of-way dedication standards that were in the existing Major Street and Highway Plan; this is simply to allow for the planning staff and the engineering staff to see where those designations were in the Comprehensive Plan. There has been one minor modification made to be consistent with the Plan, which is on Multimodal Street the word "corridor" has been changed to read "street".

TMAPC Action; 11 members present:
On **MOTION** of **CARNES,** TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the amendment to the Major Street and Highway Plan for the City and County of Tulsa, Oklahoma and adopting the Major Street and Highway Plan update as part of the Comprehensive Plan of the Tulsa Metropolitan Area per staff recommendation, subject to the correction to Resolution 2605:904 in paragraph three to read "Chapter 19". (Language underlined has been added and language with a strike-through has been deleted.)

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ZONING CODE PUBLIC HEARINGS:

17. **Public Hearing to Analyze and Recommend to the City Council Proposed Ordinance Amendments to the Zoning Code Regarding Uses Permitted in a Planned Unit Development (PUD) within the City of Tulsa, Including but not limited to Amending Title 42, Tulsa Revised Ordinances, Section 1103 by Deleting Subsection (A) (3)**

STAFF RECOMMENDATION:

Mr. Alberty stated that the Planning Commission held a work session and it was set for public hearing today. This is brought to the Planning Commission by the City Council Consensus, which requests that the Planning Commission consider amending the PUD Chapter as follows:

SECTION 1103. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT

A. Principal Uses. The development may consist of one (1) or more of the uses permitted by right or exception within the general zoning district or districts within which the Planned Unit Development is located, provided:

1. That if any part of the Planned Unit Development is located within a residential district, the permitted uses may additionally include one (1) or more of the dwelling types contained in Use Unit 6, Single-Family Dwelling, Use Unit 7, Duplex Dwelling, Use Unit 7a, Townhouse Dwelling, Use Unit 8, Multifamily Dwelling;

2. That Use Unit 9, Manufactured Home Dwelling, shall be a permitted use only within Planned Unit Developments which are located in whole or in part in an RMH District;

~~3.~~ ~~That the permitted uses, whether principal or accessory uses, may be reallocated within the development irrespective of the general zoning district boundaries;~~

3 ~~4~~. Outdoor advertising signs shall meet the use conditions set forth in Subsection 1221.F.

TMAPC COMMENTS:

Ms. Cantrell stated that she wants to be respective of the City Council and recognize that obviously their constituents are putting the buzz in their ear that there is a problem and she wouldn't want to disregard that. There is a constant battle between trying to create some predictability and trying to create some flexibility and right now she doesn't believe the balance is there right now in our Zoning Code. This is something that requires being a part of an overall evaluation of the Zoning Code and she believes that this is something that could be a good solution, but it can only be done when coupled with some other alternatives. This needs to be looked at how to encourage some mixed use and designed standards. All of these things will need to be incorporated into the new Zoning Code, but right now the PUD Chapter is the only thing that the Zoning Code has to provide flexibility to impose some design guidelines while at the same time allowing some flexibility. She doesn't see that this would be appropriate to move forward and needs to be a part of a much larger analysis of the Zoning Code, which is currently underway and this would be jumping the gun to move with this request. Ms. Cantrell concluded that she appreciates that the City Council did see this as an issue and it is very important to not simply disregard it and be respectful of the fact that the City Council is being told that this is an issue.

Mr. Leighty stated that no one has signed up to speak on this matter and that is why the Planning Commission moved into review.

Mr. Leighty stated that he does appreciate the City Council, as Commissioner Cantrell had mentioned they do get some feedback and that probably helped stimulate them to come forward with this request. He agrees with Ms. Cantrell that this would be better considered with a longer term of review with the entire Zoning Code. The new Comprehensive plan called for the use of small area plans and other planning efforts to help implement the Comprehensive Plan and there was a foresight there to lessen our dependence on a PUD once the new Zoning Code is in place. Part of the complaints regarding PUDs in the past have been resolved through the Land Use Task Force recommendations for changes in procedures for notices and revising the notices so that people have a better understanding of the PUD and where to get information if needed. Mr. Leighty commented that it will be several months before the consultant is hired to help with the Zoning Code and than it is estimated that it will take 18 to 24 months to actually get the new Zoning Code in place. The Planning Commission is looking at another couple of years that they will be dependent upon the tools that are

available right now in order to implement a new Comprehensive Plan. The PUD, as he sees it, is one tool that is critical in order to have mixed-use development. Mr. Leighty stated that he would support that the consultant be the one to review this chapter in the overall Zoning Code review.

Mr. Midget stated that the PUD is an important tool and to amend the PUD Chapter as proposed would deny the opportunity to support mixed-use development, which is embodied in the new Comprehensive Plan. Mr. Midget further stated that he would like to make it pointedly clear to viewers and audience that the Planning Commission only recommends to the City Council for zoning requests and changes and the City Council approves them. The Planning Commission doesn't approve PUDs; the City Council does the approval. The Planning Commission makes recommendations only. There has not been one PUD that has been approved, except by the City Council and his point is that if there is a bad PUD and the Council believes it is a bad PUD, then they do not have to approve it or they could approve it with some changes. The Council should allow the update of the Zoning Code to take place first before making changes, such as the one that is being proposed today. He can appreciate, as Ms. Cantrell stated, that their concern is that this has become a problem, but this is the only tool available today to move forward. To change this portion of the Zoning Code now would take a tool out of the tool box and it would have a chilling affect on development for a year and half at best. He doesn't think the amendment is appropriate and he really thinks it is jumping the gun. He would hope that reason and common sense would prevail with the Council when this proposed change goes back and that they would wait until the Zoning Code is updated before removing this essential tool out of the tool box for development.

In response to Mr. Leighty, Mr. Boulden stated the Planning Commission has 30 days to make a recommendation once the public hearing is held. Mr. Leighty stated that the Planning Commission has been requested to report to the City Council by July 15th. Mr. Boulden stated that what is before the Planning Commission today in draft form is a matter of deleting some language in Section 1103 of the Zoning Code. Recently the Planning Commission went through the process of determining if they can restrict the redistribution of uses in an HP-zoned district and at least until December 1st, 2011 there is other language that is in that provision, which will go away in December unless it is repealed or deleted from the Code. In other words what is currently before the Planning Commission is not what was addressed earlier regarding PUDs and HP Districts. Mr. Leighty clarified that the options are to continue the public hearing, vote today to adopt the language or deny the language. Mr. Boulden stated that the Planning Commission would only be making a recommendation on whether to recommend the Council adopt the language. If the Planning Commission is not ready to make a decision, the 30-day time doesn't start until the Planning Commission is finished with their public hearing.

Mr. Dix stated that with the lack of input from the public he is not sure he is comfortable taking any action today. Mr. Alberty confirmed that today's public hearing has been advertised as the Code requires. This has also been discussed among those that are doing business with the Planning Commission and filing applications. The agenda has been posted at the City, County and INCOG's office and TMAPC website. There has been one letter received by email from Ms. Kaye Price.

Ms. Cantrell asked Mr. Boulden if the Planning Commission can continue the public hearing since they have gone into review. Mr. Boulden stated that he believes that the public hearing can be continued, but it certainly raises procedural questions. Once today's agenda is finished it would definitely be closed if the Planning Commission doesn't continue it.

Mr. Carnes stated that this could be continued for 90 days. Mr. Leighty agreed that it could be continued for 90 days.

Mr. Carnes moved to continue the public hearing for 90 days.

In response to the Planning Commissioners, Mr. Carnes stated that the 90 days would give the Planning Commission some time to allow something to happen and not make a move today.

No second, motion to continue for 90 days failed.

Mr. Midget stated that the public hearing could be continued to the next meeting if necessary. Mr. Midget explained that he is not suggesting a continuance, but it could be done.

Mr. Leighty stated that he is not hearing any good reasons for continuing the public hearing at this point. There are no interested parties present, no City Councilors have come to present their case and the Planning Commission has had a thorough discussion and review.

Ms. Cantrell moved to recommend no change to the language at this time to the Zoning Code and recommended that this be reviewed by the Zoning Code Consultant once hired.

Mr. Midget stated that he wanted to make sure what the Planning Commission is asking the consultant to review. Is the proposed language or in the larger context of utilizing PUDs or even more specifically to what has happened to the HP moratorium, etc. Mr. Midget explained that in the scope of what the consultant will do is to look at these kinds of tools that are currently available. Ms. Cantrell stated that her thought was actually a recommendation to the City Council and whatever they want to recommend to the consultant would be up to them. To phrase it more specifically that the Planning Commission believes at

this time that any problems that the City Council sees with this PUD provision should be part of the overall update of the Zoning Code and they should make their concerns known specifically to the consultant.

TMAPC Action; 11 members present:
On **MOTION** of **CANTRELL,** TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend no changes be made to the wording in the PUD Chapter of the Zoning Code and further recommend that the City Council express their concerns with the Zoning Code Consultant.

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PUBLIC HEARING

Mr. Liotta stated that he is aware that there are a group of neighbors present today and this is their third trip to City Hall to speak on Item 26, CZ-407/PUD-566-A and he would like to request that this item be heard first. Planning Commission agreed to hear Item 26 out of order.

26 **CZ-407/PUD-566-A – Bill Breisch**, Location: Northwest corner of West 41st Street and South 57th West Avenue, Requesting **CS/OL/RS/PUD-566 TO AG/CS/OL/PUD-566-A** and Major Amendment, (County) (Continued from 6/1/11, 6/15/11).

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 165979 dated November 10, 1997, established zoning for the subject property.

RELEVANT ZONING HISTORY:

CBOA-2021 February 18, 2003: The Board of Adjustment approved a Special Exception to allow auto repair and retail tire and accessory sales (Use Unit 17) in a CS district, with condition of an 8' screening fence to the residential district, on property located at 4110 South 61st West Avenue and southwest of subject property.

CBOA-1830 May 15, 2001: The Board of Adjustment approved a Special Exception to permit communications tower, on property located at 6035 West 40th Street and abutting west of subject property.

CZ-237/PUD-566 November 1997: A request to rezone a 10± acre tract (subject property) from AG to RS-3/RM-2/OL and CS with a PUD overlay for a mixed use development, on property located on the northwest corner of West

41st Street South and South 57th West Avenue. Staff recommended denial of the proposed zoning but approval of RS zoning. TMAPC and City Council approved RS/OL/CS zoning with the overlay PUD-566.

CBOA-1397 January 18, 1996: The Board of Adjustment approved a Special Exception to permit a church (Use Unit 5), day care and fellowship hall/gymnasium on a 10-acre in an AG district; per plan submitted, on property located at 6035 West 40th Street and abutting west of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 11.69± acres in size and is located at the northwest corner of West 41st Street and South 57th West Avenue. The property is mostly vacant and is zoned AG/RS/OL/CS/PUD-566. The eastern 1/3 of the property contains a drainage way/floodplain (see attached aerial photo showing floodplain extent). The hard corner of the PUD (at West 41st Street South and South 57th West Avenue) contains a doughnut shop.

SURROUNDING AREA: The subject tract is abutted on the east by South 57th Avenue West and then a vacant portion of Walker Heights, a large-lot single-family residential use, zoned RS; on the north by unplatted vacant land, zoned AG; on the south by West 41st Street South and then unplatted property zoned RS with large lot single-family residential uses; and on the west by unplatted property zoned AG with a church and cell tower use. To the northwest of the subject property is Pleasure Acreage 3rd Addition a single-family residential subdivision zoned RS.

UTILITIES: The subject tract has water availability and no sewer available.

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan designates West 41st Street as a primary arterial but only to an area just west of 33rd West Avenue within the City of Tulsa limits. Since the subject area is within the unincorporated portion of Tulsa County it is not included in the recent City of Tulsa Comprehensive Plan update. The Plan therefore does not designate West 41st Street and South 57th West Avenue in the project limits.

STREETS:

The Tulsa City-County Major Street and Highway Plan designates West 41st Street South as a primary arterial street and does not designate South 57th West Avenue.

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 41st Street	Primary arterial	120'	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

This property lies within the unincorporated portion of Tulsa County and is therefore not included in the latest City of Tulsa Comprehensive Plan update. The property is within the Planning District 9 boundaries. The Comprehensive Plan for the Tulsa Metropolitan Area calls for this area to be Low Intensity – Development Sensitive. According to the Plan, the requested OL and CS zoning **is not** in accord with the Plan. The requested AG **is in accord** with the plan.

STAFF RECOMMENDATION FOR ZONING:

Based on the District 9 Plan, an adopted component of the Comprehensive Plan for the Tulsa, Metropolitan Area, staff cannot support the requested rezoning and therefore recommends **DENIAL** of AG/OL/CS/PUD for CZ-407.

STAFF RECOMMENDATION FOR PUD:

Approved in 1997, PUD-566 is a relatively flat 10.13 acre tract located at the northwest corner of West 41st Street South and South 57th West Avenue in the unincorporated portion of Tulsa County. The site is split by the presence of the floodplain contributing to the site's designation as "development sensitive" within the District 9 Plan (see attached aerial photograph showing the extent of the floodplain).

The original case report for PUD-566 included a staff recommendation of denial based on the land use designations within the District 9 Comprehensive Plan, the existing zoning and surrounding development in the area. As a compromise, the TMAPC voted to recommend approval of the PUD conditioned upon commercial zoning being limited to one lot located east of the drainage way at the hard corner of West 41st street South and South 57th West Avenue. The Board of County Commissioners deemed this appropriate and approved the PUD based on that recommendation.

The purpose of this rezoning request and PUD Major Amendment is to change the OL frontage to CS, by extending the existing CS zoning along the entirety of the West 41st Street frontage at a depth of 240-feet. The request also includes rezoning the remainder of the property from RS/OL to OL with a strip of AG at the northern most border of the PUD (see attached "Zoning Map – Exhibit A"). The extension of the CS zoning would provide for enough commercial floor area to allow the construction of a small retail/convenience store with single-story office uses on the northern two-thirds of the property.

In keeping with the original recommendation for the PUD, staff cannot support the proposed major amendment in its present form. Consideration could be given to extending the existing CS zoning north, keeping commercial activity east of the floodplain/drainage way. This would allow some light commercial activity along the South 57th West Avenue frontage in anticipation of the future extension of the Gilcrease Expressway into the area.

Based on the District 9 Comprehensive Plan, the existing zoning pattern and development in the area staff recommends **DENIAL** of major amendment PUD-566-A.

TMAPC COMMENTS:

Mr. Liotta stated that in his role as Chief Deputy to the County Commissioners he did visit the subject site with Commissioner Keith and listened to the neighborhood. He indicated that he made no recommendations to the neighbors and made no suggestions, but simply listened to the information.

Applicant's Comments:

Bill Breisch, 11 East Broadway, Sand Springs, 74063, stated that he is an associated broker with Monty Box of Sand Springs, Oklahoma and an Engineer. Mr. Breisch stated that the County Engineer was supposed to be present, but didn't plan to attend until around 2:30 p.m. Mr. Breisch described the surrounding properties and their uses.

Mr. Breisch indicated that the Gilcrease Expressway Interchange will be located 200 feet to the east of the subject property for 41st Street. The expressway will go over 41st Street and in his experience this generally generates commercial zoning.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Breisch if all of the engineering has been done and does he know for a fact that the interchange will be located at the exact location he is indicating. In response, Mr. Breisch stated that it is his understanding that it will happen, but he can't say when. The County Engineer could come closer to that timeframe than he could. Mr. Breisch stated that one small leg of the Gilcrease is built today. Mr. Carnes stated that most of the land has been purchased for the Gilcrease Expressway.

Mr. Breisch continued with his presentation and stated that the Comprehensive Plan for the subject area is 40 years old and it needs updating, but funds are not available for that. Mr. Breisch believes that once the Comprehensive Plan is updated, the subject area's designation would change and he believes it will be to permit commercial zoning along 41st Street in the vicinity of Gilcrease exchange. Mr. Breisch stated that Tulsa Community College has developed to the west of the subject property and an Armory was built to the west as well.

Mr. Breisch indicated that he had a couple of meetings with the neighbors and they were concerned with the drainage, waste disposal and traffic. The neighbors want the drainage channel/creek improved. Mr. Herman, property owner of subject property, has agreed to pay for an engineering design in accordance with the County specs to improve the drainage channel/creek. The subject property can't increase the drainage problem, if there is a drainage problem. The neighbors were concerned as about an aerobic system for the

disposal of waste. He called DEQ and found that they have to approve any design of a commercial type improvement. Mr. Breisch stated that at this time he doesn't know what kind of disposal system they would have. The disposal system will be monitored by DEQ to make sure it is in working condition. Regarding the traffic is heavy during 5:00 p.m. and 6:00 p.m. and 41st street is a busy street, which may be another reason it is good for commercial.

Mr. Breisch complimented the INCOG staff for helping him go through the history of the existing PUD. Mr. Breisch indicated that he originally submitted the application without the southeast corner and the northeast corner as part of the proposal. A donut shop is located on the southeast corner and it was never platted. INCOG requested the southeast corner and the northeast corner be included in the PUD submittal and the entire property be platted. The donut shop owner agreed to the southeast corner being put back into the proposal and the platting process. Mr. Breisch requested that the Planning Commission approve his request.

INTERESTED PARTIES COMMENTS:

Cheryl Hubbard, 5926 West 39th Street, 74107, submitted a petition opposing the rezoning (Exhibit A-3). Ms. Hubbard indicated that she is opposed to the rezoning because there is no sanitary sewer service to the property. Ms. Hubbard stated that traffic and flooding issues are also a problem. She indicated that she wouldn't be against the rezoning if there was city water and sewer. The water runs off of the subject property and onto her property.

TMAPC COMMENTS:

Mr. Leighty reminded Ms. Hubbard that the Planning Commission can only consider the rezoning issues and not the flooding issues. He requested that she keep her remarks about the rezoning issue.

INTERESTED PARTIES COMMENTS:

Ms. Hubbard stated that she does not want an aerobic sewer system on the subject property. The church in the subject area has one and it stinks every time it is used.

TMAPC COMMENTS:

Mr. Perkins asked Ms. Hubbard if she would support anything on the subject property being developed or was she not supportive of anything but open space. Ms. Hubbard stated that she doesn't care of anything is developed, but she wants it done with city sewer and not have water runoff onto her property.

Mr. Leighty asked Ms. Hubbard how long she has lived in the subject area. She indicated that she has lived there 49 years total. She has lived in her current home 23 years and lived next door with her parents while she was growing up. Mr. Leighty asked Ms. Hubbard when she first heard about the possibility of the Gilcrease Expressway coming through. In response, Ms. Hubbard stated that it

was years ago, probably while she was still in school. Ms. Hubbard further commented that the expressway has been discussed for 20 years or more and nothing has happened. Mr. Leighty commented that once the expressway is completed it will be difficult to hold off development in the subject area.

INTERESTED PARTIES COMMENTS:

Jim Clary, 6014 West 39th Street, 74107, stated that he lives in the fourth house west of the subject property and has lived there 52 years. His biggest concern is water runoff, sewer and subsurface water.

TMAPC COMMENTS:

Ms. Cantrell explained that what the Planning Commission is looking at today is the zoning and she asked Mr. Clary if the infrastructure was taken care of would he mind that there would be commercial use on the subject property. In response, Mr. Clary stated that he would love to see commercial use and see the Gilcrease Expressway completed. He believes that the expressway and commercial use would make Berryhill and increase the taxes for the school and the district.

Applicant's Rebuttal:

Mr. Breisch stated that he understood the concerns of the neighbors he met with. He explained that 25 years ago his company did an engineering study for the sanitary sewer to serve Berryhill and it was going to be very expensive. The Berryhill residents didn't want it at that time because of the expense. In 2005 there was a minor amendment on the PUD that allowed the southeast corner to be developed without the sanitary sewer. Mr. Breisch stated that he believes that the neighbors stated that if the development is done right they wouldn't object too much.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Breisch to describe "done right". In response, Mr. Breisch stated that if the County Engineer was here he could address what was agreed to be done and what Mr. Herman has agreed to pay for. Mr. Breisch stated that his client is committed to do this development right. He doesn't believe the signatures on the petition that are a quarter of mile to half a mile away that wouldn't be affected by this development are as meaningful as the signatures that are within the immediate area. Mr. Leighty asked Mr. Breisch if he thought moving this hearing up in the agenda today has had an impact on the hearing. Mr. Breisch stated that the County Engineer was going to address the drainage issues and assure the neighbors that it would be taken care of.

In response to Mr. Midget, Mr. Breisch stated that the County Engineer addressed the drainage issues at the neighborhood meeting. [Unidentified person stated that it wasn't addressed to their satisfaction.] Mr. Breisch stated that since the neighborhood meetings he has met with the County Engineer and

the County Commissioner, but much more could be said at the public hearing than was stated that the neighborhood meeting.

Mr. Edwards asked the neighbors if they were in agreement with the zoning change if their concerns were addressed. Ms. Hubbard stated that she would have no problem with the zoning change if there was city sewer and drainage issues addressed.

Mr. Liotta asked Mr. Breisch if anything significantly has changed in the subject area since 1997 when the minor amendment was filed to give the Planning Commission a reason to revisit that compromise. Mr. Breisch stated that if the PUD isn't approved, then the subject area can't be platted and the corner with the donut shop will not be platted. That seemed to be significant to staff and staff encouraged him to have a subdivision plat with the PUD. Mr. Breisch stated that he didn't understand that the sanitary sewer issue was only for the southeast corner and he hasn't anything in his research that shows that to be so. Nothing can be developed in the subject area if one waits for the sanitary sewer because it is a long way off. Mr. Liotta apologized if he messed up the opportunity for the County Engineer to be present, but it is 2:30 p.m. and he isn't present. The infrastructure that the County Engineer would discuss has nothing to do with the zoning change because they aren't tied in anyway.

Mr. Dix asked if there is any sewer system within the subject area to serve the subject property or the houses surrounding the subject property. In response, Mr. Breisch stated that there is no sewer system to tie into, but there is sewer on the south side of 41st Street, but he is not sure the distance. Anything north of 41st Street would have to be pumped.

Mr. Walker asked staff if this would be considered spot zoning if the Planning Commission approved it. In response, Ms. Matthews answered affirmatively.

Mr. Alberty stated that there are two requests before the Planning Commission, one for a zoning change and one for a PUD. The zoning can go ahead of the PUD, because the PUD is dependent upon the zoning being approved. Assuming that the Planning Commission recommends it and the County Commission approves it, then the approved zoning would require a subdivision plat. Subdivision plat, before being released for any development, has to comply with all of the requirements, drainage, sanitary sewers, etc. It is correct that the minor amendment was only for the donut shop. The only problem that exists on the subject property at this time is that the donut shop be included within this application because it was never platted and a permit was issued without being platted. Mr. Breisch agreed to include the donut shop in this application, at staff's request. The neighborhood needs to be aware that if this is approved and it proceeds with PUD or straight zoning, a plat is required and it would have to meet all of the requirements before any development would be allowed.

In response to Ms. Cantrell, Mr. Alberty stated that how the sanitary sewer is handled on the subject property would be up to the County Engineer and DEQ. It has to meet the County and State requirements.

Mr. Liotta asked if the platting of the developed lot be handled in a separate action or does it have to be platted within the subject property. In response, Mr. Alberty stated that it can be separate and it should have been platted separately.

Ms. Cantrell indicated that she is opposed to the subject application. Sometimes the zoning and the infrastructure are closely tied and it can't be separated. She doesn't believe that the infrastructure is out there right now for this type of development. The reason for the low intensity designation in the Comprehensive Plan was basically because the infrastructure is not there. It is a sensitive environment with flood plain issues. The Comprehensive Plan may be old, but 40 years later there still is no solid infrastructure there.

Mr. Dix stated that zoning is needed in order to get the infrastructure in place. He is confident in the County Engineer, staff and Mr. Breisch's client that they will address the issues. Mr. Dix indicated that he is in full support of the zoning change and the PUD needs to be continued in order to address the development standards.

Mr. Edwards stated that he is in support of staff's recommendation to deny. Relying upon things that might happen puts the citizens in a bad position waiting for things that might happen. They are concerned with what is happening now.

Mr. Liotta stated that he is in support of the staff recommendation. The main question he had was what has changed since the compromise was developed in 1997 and he doesn't see anything that has changed. If the decision is based upon the potential development of the Gilcrease Expressway, there is no money for development of the Gilcrease Expressway and the only thing that has been done is the Turnpike Authority has been given authority to study it and potentially build a turnpike. The Turnpike Authority has many other issues that they want to do before looking at this. Mr. Liotta concluded that he doesn't see the Gilcrease Expressway being built in the immediate future and there is no money to build it as a free road and the decision to build it as a turnpike is far off.

Mr. Leighty stated that he will be supporting the application and he has driven in the subject area and there is quite a bit of development on West 41st Street. It makes good development sense to develop the subject property. Mr. Leighty commented that he believes the rezoning should have been done a long time ago.

Mr. Shivel stated that there have been a number of other times when the Planning Commission had to consider developments in other portions of the City where the same situation existed regarding the lack of infrastructure. If the

rooftops are there, then the infrastructure follows. Mr. Shivel indicated that he will be supporting the rezoning.

Mr. Perkins stated that he will not be supporting this application. Primarily because the northwest quadrant is shown wanting office or OL and with that natural buffer (creek) it would be better suited to residential with office along 57th West Avenue. Mr. Perkins concluded that he will be supporting staff's recommendation for denial.

TMAPC Action; 11 members present:
On **MOTION** of **CANTRELL,** TMAPC voted **6-5-0** (Cantrell, Edwards, Liotta, Midget, Perkins, Stirling "aye"; Carnes, Dix, Leighty, Shivel, Walker "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of the CS/OL/RS zoning for CZ-407 per staff recommendation.

TMAPC Action; 11 members present:
On **MOTION** of **CANTRELL,** TMAPC voted **8-3-0** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Perkins, Stirling "aye"; Dix, Shivel, Walker "nays"; none "abstaining"; none "absent") to recommend **DENIAL** of the Major Amendment for PUD-566-A per staff recommendation.

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18. **Sheridan Medical Park** – Preliminary Plat, Location: 6371 East 67th Place South, Northwest corner of East 67th Place South and South Sheridan Road (833) (CD 7)

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 1.18 acres.

The following issues were discussed June 16, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned OL.

2. **Streets:** Provide reference for all right-of-ways. Include section on Limits of No Access.

3. **Sewer:** If you intend for the 25-foot building line along the West Boundary line of the plat to also be the utility easement, then you must label it as such on the face of the plat. If not, then you must provide a minimum of 17.5-foot perimeter easement along the West Boundary. The existing ten-foot sanitary sewer easement scales to be about four feet and does not agree with the concept plat. Show the correct easement on the plat, and include

the book and page for the existing easement.

4. **Water:** No comments.

5. **Storm Drainage:** Remove contours from the face of plat. Use the attached standard language for "water, sanitary sewer, and storm sewer service" and "Overland Drainage Easements". Add the conceptual drainage plan for the collection of the drainage on the individual Lots 1 and 2.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** Fire hydrant will need to be located within 400 feet of any part of a structure if the structure is not sprinkled and within 600 feet of any part of a structure if the structure is sprinkled (as it looks now a fire hydrant will need to be added). Fire department access needs to be a minimum of 20 feet wide with 28 feet inside radius on any turns. If structure is sprinkled FDC will need to be located on address side of structure.

   GIS: Label all subdivisions within the mile section of the location map. Put in actual bearings. Correct inconsistencies in legal description. Submit control data sheet.

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; 11 members present:
On **MOTION** of **MIDGET,** TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for Sheridan Medical Park, subject to special conditions and standard conditions per staff recommendation.

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19. **Greater Cornerstone Community Center** – Minor Subdivision Plat, Location: South of West 51st Street South, West of South 33rd West Avenue (9233) (CD 2)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.89 acres.

The following issues were discussed June 16, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RS-3 with Board of Adjustment case # 21187 which approved the community center use.

2. **Streets:** No comments.

3. **Sewer:** No comments.

4. **Water:** Service meter vault locations if at all possible should be installed in the street right-of-way or in a dedicated waterline easement as best options.

5. **Storm Drainage:** Remove existing lot numbers and lines from the face of plat. Revise section 1.1.12 to read "... Oklahoma that the buildings constructed in the addition shall have roof drains designed and constructed to discharge stormwater runoff to the on-site stormwater detention/retention facility." Add both existing and proposed contours to this plan.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** If structure is sprinkled FDC will need to be located on address side of structure. **GIS:** Label all subdivisions within the mile section of the location map. Clarify legal description with bearings and correct point of commencement, etc. Correct street names. Clean up labels on face of plat. Supply control data sheet.

Staff recommends **APPROVAL** of the Minor 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; 11 members present:
On **MOTION** of **MIDGET,** TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor subdivision plat for Greater Cornerstone Community Center, subject to special conditions and standard conditions per staff recommendation.

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20. **Z-7168 –** Plat Waiver, Location: Southeast Corner of east Apache and North Rockford Avenue, 1500 East Apache (0330) (CD 3)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to CS.

Staff provides the following information from TAC at their June 16, 2011 meeting:

ZONING:
TMAPC Staff: The property has been previously platted for the same use.

STREETS:
Apache is a Secondary Arterial which requires 50 feet of right-of-way from centerline of street. Currently only 40 feet of right-of-way is available. Additional 10 feet of right-of-way dedication is required along Apache.

SEWER:
No comments.

WATER:
No comments.

STORMWATER:
No comments.

FIRE:
No comments.

UTILITIES:
No comments.

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

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.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:
On **MOTION** of **MIDGET,** TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for Z-7168 per staff recommendation.

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21. **Z-7170 – Susanne Thompson/Three C's Medical Clinic**, Location: Southeast corner of West Edison Street and North 27th West Avenue, Requesting **OM to CS**, (CD-1)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 20854 dated May 26, 2004, established zoning for the subject property.

RELEVANT ZONING HISTORY:
Z-6940 May 2004: All concurred in approval of a request for rezoning a .78± acre tract of land from RS-3 to OM for and office building, on property located on the southeast corner of West Edison Avenue and North 27th West Avenue; also known as the subject property.

AREA DESCRIPTION:
SITE ANALYSIS: The subject property is approximately .79± acres in size and is located at the southeast corner of West Edison Street & North 27th West Avenue. The property is vacant (has been cleared) and zoned OM. An apparently new concrete drainage channel extends from north to south on the west side of the property. There are no curbs and gutters abutting this site and drainage is either through the drainage channel or through borrow ditches.

SURROUNDING AREA: The subject tract is abutted on the east by an office and a bank, zoned OL; on the north across West Edison Street by single-family residential uses, zoned RS-3; on the south by single-family residential uses, zoned RS-3; and on the west by mixed commercial/related uses (including a martial arts studio), zoned CS.

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

TRANSPORTATION VISION:
The Comprehensive Plan does not designate West Edison Street or North 27th West Avenue. Edison, however, functions as one of the main east/west roadways in this area south of Pine Street.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West Edison Street	N/A	N/A	4
North 27th West Avenue	N/A	N/A	2
West Easton Street	N/A	N/A	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The Comprehensive Plan designates the entire strip on the south side of West Edison from just west of North 29th West Avenue to just east of North 25th West Avenue as a Regional Center. These are characterized as mid-rise mixed-use areas for large-scale employment, retail and civic or educational uses. These may be key transit hubs and station areas may include housing, retail entertainment and other amenities. On-street automobile parking is to be provided or in shared lots. Regional Centers may include a parking management district.

The Plan also envisions this site as an area of growth, surrounded on two sides (north and south) by areas of stability. For the most part, the areas of stability are older neighborhoods surrounding it. According to the Comprehensive Plan, the requested CS **is in accord** with the plan.

STAFF RECOMMENDATION:
The subject property is next to a property that is a physician's office, which is adjacent to a bank and some other commercial/related uses. Staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-7170, finding it **in accord** with the Comprehensive Plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:
On **MOTION** of **MIDGET,** TMAPC voted **10-0-1** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Edwards "abstaining"; none "absent") to recommend **APPROVAL** of the CS zoning for Z-7170 per staff recommendation.

Legal Description for Z-7170:
Lots 1, 2, 3 and 4, Block 1, Easton Heights Second Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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22. **Z-7171 – Sisemore Weisz & Assoc., Inc./3B Generation, LLC,** Location: North of northeast corner of East Pine Street and North 129th East Avenue, Requesting **RS-3 to IL**, (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11811 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:
Z-6885 April 2003: All concurred in approval of a request for rezoning a .77± acre tract of land from RS-3 to IL for customizing autos, on property located on the northeast corner of East Pine Street and North 129th East Avenue and south of subject property.

AREA DESCRIPTION:
SITE ANALYSIS: The subject property is approximately 10.9± acres in size and is located north of the northeast corner of East Pine Street and North 129th East Avenue. The property is vacant and is zoned RS-3. None of the subject property appears to be in a floodplain, but some of the area to the west of the site is in the Eagle Creek (tributary of Mingo Creek) regulatory floodplain.

SURROUNDING AREA: The subject tract is abutted on the east by vacant, heavily wooded land, zoned CH; on the north by an older single-family residential development, zoned RS-3; on the south by commercial/mixed use and vacant land, zoned CH; and on the west by vacant, industrial and wooded land, zoned IM. As noted above, Mingo Creek and massive stormwater improvements lie to the west of the subject property and several tributaries traverse the western properties. Many industrial uses exist nearby, including a mining operation, concrete plant and some industrial parks.

Staff notes that the residentially-zoned area to the north of the subject property is largely not being used for that purpose. At least one house appeared to be vacant, as were three lots in the interior, south side of East Reading Place, and it appeared that some illegal uses were occurring on many of the properties. The north side of East Reading Place is being used for trailer sales and storage (Charlie's Trailer Sales), and the last two lots on the eastern end of the south side of Reading Place also have trailers and storage on them. East Reading Place itself is a narrow two-lane street. This is clearly not a traditional single-

family residential neighborhood. It was platted as Garnett Gardens in 1928, when it was in Tulsa County's jurisdiction.

UTILITIES: The subject tract has municipal water and no sewer available.

TRANSPORTATION VISION:
The Comprehensive Plan designates East Pine Street as a multi-modal corridor west of North 129th East Avenue and the latter as a multi-modal corridor north of East Pine Street almost to Apache Street. Multi-modal corridors are intended to accommodate various types of vehicular and pedestrian traffic, such as automobiles, buses, bicycles and those who wish to or need to walk.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North 129th East Avenue	Secondary arterial	100'	2 lanes (a bridge is out north of the site and turnarounds must be through private driveways.)

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The Comprehensive Plan designates this property as well as all of that surrounding it as an Employment area. According to the plan (page 33, Land Use), these areas are to contain office, warehousing, light manufacturing and high tech uses. Sometimes big box retail or warehouse clubs are found here. They are characterized by few residences and have more extensive commercial activity. The requested IL zoning **is in accord** with the Comprehensive Plan.

STAFF RECOMMENDATION:
Based on the Comprehensive Plan, the Transportation Plan, surrounding land uses and surrounding zoning, staff can support the rezoning and therefore recommends **APPROVAL** of IL zoning for Z-7171.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:
On **MOTION** of **CARNES,** TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the IL zoning for Z-7171 per staff recommendation.

Legal Description for Z-7171:
The north 360' of the S/2 of the SW/4 of the SW/4 of Section 28, T-20-N, R-14-E of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

Mr. Carnes out at 2:55 p.m.

23. **Z-7173 – All-Commerce, LLC**, Location: East of southeast corner of East Admiral Place and South 145th East Avenue, Requesting **RS-3 to IL**, (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11818 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7027 March 2006: All concurred in approval of a request for rezoning a 9.81± acre tract of land from RS-3 to IL for industrial use, on property located east of the southeast corner of East Admiral Place and South 145th East Avenue, and abutting west of subject property.

Z-6939 April 2004: All concurred in the approval of a request to rezone a 6± acre tract from RS-3 to IL for horse and cargo trailer sales and service located east of the northeast corner of East Admiral Place and South 145th East Avenue and northeast of subject property.

Z-6644 July 1998: All concurred in approval of a request for rezoning a 119± acre tract from AG to IL for warehouse and distribution center located on the southwest corner of East Admiral Place and South 145th East Avenue and located west of subject property.

BOA-3110 November 12, 1958: The Board of Adjustment approved a Special Exception to permit a church in an RS-3 district, on property located east of southeast corner of East Admiral Place and South 145th East Avenue; also known as *the subject property*.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.5± acres in size and is located east of the southeast corner of East Admiral Place and South 145th East Avenue. The property appears to be used as a church and is zoned RS-3.

SURROUNDING AREA: The subject tract is abutted on the east by a heavily wooded area that appears vacant, zoned IL; on the north by industrial uses, zoned IL; on the south by vacant wooded land, zoned AG; and on the west by All-Commerce Business Park, zoned IL. This area has been developing as an industrial corridor for many years. A recent minor subdivision plat for the property to the east was approved at the June 15, 2011 TMAPC meeting.

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

TRANSPORTATION VISION: East Admiral Place is not designated on the Transportation Vision, but immediately north of it is I-44, an existing freeway. The subject property lies near the intersection of I-44 and I-244.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Admiral Place	Secondary arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The Comprehensive Plan designates this as an Employment area and an area of growth. Employment areas are envisioned as generating jobs and furthering the tax base for the City. Areas of growth are designated to encourage the direction of resources and personnel into these areas. As such, the requested rezoning **is in accord** with the plan.

STAFF RECOMMENDATION:
Due to surrounding physical facts (such as existing zoning and land uses) and the designations of the Comprehensive Plan, staff can support the requested rezoning and recommends **APPROVAL** of IL zoning for Z-7173.

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 **CANTRELL,** TMAPC voted **10-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** of the IL zoning for Z-7173 per staff recommendation.

Legal Description for Z-7173:
2 ½ acres in Lot 5, in Section 3, T-19-N, R-14-E, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at the northeast corner; Thence west 165';Thence south 660'; Thence east 165'; Thence north 660'; Less Easement, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

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Mr. Carnes in at 2:57 p.m.

24. **Z-7174 – Lou Reynolds/William K. Warren Medical Research Center, Inc.**, Location: North and west of the northwest corner of South Sheridan Road and East 71st Street, Requesting **OL/OM to CS**, (CD-7)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 15230 dated December 16, 1981, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-641 November 2000: All concurred in approval of a Planned Unit Development on a 56± acre tract to permit a retirement development including single-family, apartment, assisted living facility, elderly/retirement housing and nursing home, on property located northwest of the northwest corner of East 71st Street and South Sheridan Avenue and abutting west of subject property.

PUD-190-F December 1996: All concurred in approval of a proposed major amendment to the original PUD-190 to change the permitted use on a 30-acre tract, from office use to an elderly assisted living center located on the southwest corner of East 71st Street South and Lakewood Avenue and southwest of the subject property,.

Z-5565 December 1981: All concurred in approval of a request for rezoning a 60± acre tract of land from RS-3 to OL/OM for an office park, on property located north and west of the northwest corner of South Sheridan Road and East 71st Street and a part of the subject property.

PUD-190 December 1976: All concurred in approval of a proposed Planned Unit Development on a 405± acre tract of land for a mixed use development on property located on the southwest corner of East 71st Street South and South Sheridan Road and abutting south across East 71st Street, of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 19± acres in size and is located north and west of the northwest corner of South Sheridan Road and East 71st Street. The property appears to be vacant, heavily wooded and is zoned OL/OM.

SURROUNDING AREA: The subject tract is abutted on the east by commercial uses, zoned CS; on the north by vacant and heavily wooded land, zoned OM and OL; on the south by a commercial center (Summit Square), zoned PUD-190-G/CS/RM-O; and convenience commercial use on the northwest corner of East 71st and South Sheridan, zoned CS; on the north by vacant and heavily wooded property, zoned OL; and on the northwest by the Montereau development zoned PUD-641/641A/OL. The St. Francis Medical Center/office developments lie farther to the west and are zoned OL/PUD-641/641-A/PUD-263-A.

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

TRANSPORTATION VISION:
The Comprehensive Plan designates East 71st as a commuter corridor and South Sheridan as a multi-modal corridor, in order to accommodate various types of transportation, including the automobile, bus, bicycle and pedestrian.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 71st Street	Primary arterial	120'	6
South Sheridan Road	Secondary arterial	100'	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The Comprehensive Plan designates this property as a Regional Center, part of a much larger Regional Center. It is also designated as an area of growth. Regional Centers are mid-rise mixed use centers for large-scale employment, retail and civic or educational uses. These are to attract workers and visitors from throughout the region and are key transit hubs. Various other uses may be included as part of the station areas. Growth areas indicate specific sites in which City resources should be allocated to support and encourage growth. The requested CS zoning would be compatible with adjacent uses and zoning patterns and **is in accord** with the plan.

STAFF RECOMMENDATION:
The requested rezoning would help implement the policies of the Comprehensive Plan by offering opportunities for City growth and development, as well as by encouraging use of alternative forms of transportation. Therefore, staff recommends **APPROVAL** of CS zoning for Z-7174.

Applicant's Comments:
Lou Reynolds, 2727 East 21st Street, Suite 200, 74114, stated that there is a proposal to build a pharmacy, grocery store and a mixed-use retail center. The land is topographically challenged and there are 19 acres.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:
On **MOTION** of **MIDGET,** TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the CS zoning for Z-7174 per staff recommendation.

Legal Description for Z-7174:
A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION THREE (3), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SE/4; THENCE SOUTH 88°42'46" WEST AND ALONG THE SOUTH LINE OF SAID SE/4 FOR A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°42'46" WEST AND ALONG THE SOUTH LINE OF SAID SE/4, FOR A DISTANCE OF 754.08 FEET; THENCE NORTH 01°24'56" WEST AND PARALLEL WITH THE EAST LINE OF SAID SE/4, FOR A DISTANCE OF 900.00 FEET; THENCE NORTH 88°42'46" EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SE/4, FOR A DISTANCE OF 1004.08 FEET TO A POINT ON THE EAST LINE OF SAID SE/4; THENCE SOUTH 1°24'56" EAST AND ALONG THE EAST LINE OF SAID SE/4, FOR A DISTANCE OF 640.00 FEET; THENCE SOUTH 88°42'46" WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SE/4, FOR A DISTANCE OF 250.00 FEET; THENCE SOUTH 01°24'56" EAST AND PARALLEL WITH THE EAST LINE OF SAID SE/4, FOR A DISTANCE OF 260.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 838,672 SQUARE FEET, OR 19.253 ACRES, MORE OR LESS.

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Mr. Walker recused himself and left at 2:58 p.m.

25. **Z-7175 – TMAPC/M&M Corporation**, Southeast corner of East 1st Street and South Detroit, Requesting **IL to CBD**, (CD-4)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:
Many recent rezoning actions in the downtown area since 1980 have involved rezoning to the CBD designation. The most recent shown below.

Z-6986 July 2005: All concurred in approval of a request for rezoning tract of land from IL/IM to CBD for commercial, light industrial and office uses, on property located Between West Brady and West 3rd Street, Inner Dispersal Loop to Boulder; between West Brady and 2nd Street, North Boston to North Greenwood; and I-244 to East 8th Street, between Elgin Avenue to U. S. Highway 75

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5,000± square feet in size and is located at the southeast corner of East 1st Street and South Detroit Avenue. The property has been used as a warehouse, and is zoned IL.

SURROUNDING AREA: The subject tract is abutted on the east by vacant property zoned CBD; on the north by a parking lot, zoned CBD; on the south by retail uses, zoned CBD-; and on the west by a club, zoned CBD.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates both Detroit and 1st Streets as CBD Collectors. Both are one-way (Detroit northbound and 1st Street westbound).

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Detroit Avenue	CBD collector	Varies	4
East 1st Street	CBD collector	Varies	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this and all other properties within the Inner Dispersal Loop as Downtown. Text of the Plan (Part V, page10) cites the downtown area as unique and the centerpiece of the city and region with the highest intensity of uses. Downtown is seen as a significant employment center, while being an eclectic neighborhood. Plans have for many years called for all non-industrial uses within the Inner Dispersal Loop to be zoned CBD. This property was inadvertently omitted from the previous CBD rezoning several years ago and would now like to officially have that designation. The request **is in accord** with the plan. Moreover, on Figure 20, Part VI of the plan, all of downtown is designated an area of growth. The current plan and its predecessors envisioned development/redevelopment in the CBD area as a critical part of the City of Tulsa's economic revitalization.

STAFF RECOMMENDATION:

Based on this plan and several previous plans, staff can support the request for CBD zoning on this property. Therefore, staff recommends **APPROVAL** of CBD zoning for Z-7175. Staff notes that since this is a TMAPC-initiated rezoning, as in the previous CBD rezoning in the area, there should not be a platting requirement.

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 **MIDGET,** TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend **APPROVAL** of the CBD zoning per staff recommendation.

Legal Description for Z-7175:
West 50' Lot 6, Block 86, Tulsa-Original Town, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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OTHER BUSINESS:

None.

Commissioners' Comments

Mr. Liotta thanked Mr. Leighty for allowing Item 26 being heard out of order since the neighbors had made three trips to the City Hall.

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There being no further business, the Chair declared the meeting adjourned at 3:05 p.m.

Date Approved:
7-20-2011

Chairman

ATTEST: _____
Secretary