

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2762

Wednesday, January 17, 2018, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Adams	Carnes	Foster	Ling, COT
Covey	Reeds	Hoyt	Silman, COT
Dix		Jones	VanValkenburgh, Legal
Doctor		Miller	Warlick, COT
Fretz		Sawyer	Warrick, COT
Krug		Ulmer	
Millikin		Wilkerson	
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 11, 2018 at 3:23 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 Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report: Mr. Covey stated a work session is scheduled for February 7, 2018 to discuss Subdivision and Development Regulations, and possibly other topics.

Director's Report: Ms. Miller stated she didn't have an update on the Subdivision and Development Regulations other than the draft was being reviewed by the Work Group. Ms. Miller stated the hope is the Workgroup review will help with any outstanding issues and the February 7, 2018 work session will include time to discuss the Landscape Ordinance. Ms. Miller reported the

Crosbie Heights Small Area Plan would not be ready for this work session. Ms. Miller stated another work session will be needed around March 7, 2018 for the Small Box Discount Store Overlay that was initiated by City Council. Ms. Miller stated that over 6000 public hearing notices went out to residents and that mailing included notice of two community meetings. The first is January 29th at the Rudisill Library at 6pm and the other is February 5th at the 36th Street North Event Center at 6pm. Ms. Miller reported the Route 66 Overlay Draft is being reviewed by legal staff and staff continues to work on the AirBNB provisions to help that process along. Ms. Miller stated INCOG staff with City of Tulsa staff continues to work jointly on a Small Area plan for Berryhill that will be at a later work session.

Dawn Warrick presented a power point presentation on the 2018 City of Tulsa Work Program.

* * * * *

1. **Minutes:**

Approval of the minutes of January 3, 2018 Meeting No. 2761

On **MOTION** of **DIX**, the TMAPC voted 8-0-1 (Adams, Covey, Dix, Doctor, Fretz, Krug, Shivel, Walker, “aye”; no “nays”; Millikin “abstaining”; Carnes, Reeds, “absent”) to **APPROVE** the minutes of the meeting of January 3, 2018 Meeting No. 2761.

Item 20 was pulled from Consent Agenda and put on Public Hearing.

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.

2. **LC-970** (Lot-Combination) (CD 1) – Location: North of the northeast corner of West 4th Street South and South 36th West Avenue
3. **LC-971** (Lot-Combination) (CD 4) – Location: Northeast corner of South Trenton Avenue and East 4th Street South
4. **LC-972** (Lot-Combination) (CD 1) – Location: Southeast corner of North St. Louis Avenue and East Independence Street
5. **LC-973** (Lot-Combination) (CD 4) – Location: Northwest corner of East 2nd Street South and South Trenton Avenue

6. **LS-21089** (Lot-Split) (CD 9) – Location: West of the southwest corner of East 51st Street South and South Harvard Avenue (Related to LC-974 and LC-975)
7. **LC-974** (Lot-Combination) (CD 9) – Location: West of the southwest corner of East 51st Street South and South Harvard Avenue (Related to LS-21089 and LC-975)
8. **LC-975** (Lot-Combination) (CD 9) – Location: West of the southwest corner of East 51st Street South and South Harvard Avenue (Related to LS-21089 and LC-974)
9. **LS-21093** (Lot-Split) (CD 4) – Location: East of the northeast corner of East 24th Street South and South Yorktown Avenue)
10. **LS-21096** (Lot-Split) (CD 7) – Location: South of the southwest corner of East 61st Street South and South Memorial Drive
11. **LS-21097** (Lot-Split) (CD 1) – Location: Southwest corner of North Kenosha Avenue and East Oklahoma Street
12. **LS-21098** (Lot-Split) (CD 2) – Location: South of the southwest corner of West 37th Place South and South 31st West Avenue
13. **LS-21099** (Lot-Split) (CD 5) – Location: Southeast corner of South Sheridan Road and East 24th Street South
14. **LS-21100** (Lot-Split) (CD 7) – Location: North of the northeast corner of South Memorial Drive and East 91st Street South (Related to LC-976)
15. **LC-976** (Lot-Combination) (CD 7) – Location: North of the northeast corner of South Memorial Drive and East 91st Street South (Related to LS-21100)
16. **LC-977** (Lot-Combination) (CD 4) – Location: Northeast corner of South Quaker Avenue and East 5th Street Court
17. **LC-978** (Lot-Combination) (CD 4) – Location: Southwest corner of East 21st Street South and South Peoria Avenue (Related to LS-21101 on Public Hearing)
18. **LS-21102** (Lot-Split) (County) – Location: Northwest corner of East 76th Street North and North Harvard Avenue
19. **PUD-288-17 Jack Arnold** (CD 4) Location: East of the southeast corner of South Lewis Avenue and East 26th Place South requesting a **PUD Minor Amendment** to decrease the required livability space

STAFF RECOMMENDATION:

SECTION I: PUD-288-17 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to decrease the required livability space.

Currently, the development standards require a minimum of 9,000 sf of livability space per lot. The underlying zoning for this lot, RS-1, would permit a livability space of 7,000 sf. This amount would be sufficient to provide relief for the applicant in order to construct additions to the home, as illustrated on the applicant's site plan, included with this report.

Current Minimum Livability Space Per Lot :	9,000 sf
Proposed Minimum Livability Space for Lot 15, Block 1:	7,000 sf

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-288 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to decrease the minimum livability space for the subject lot to 7,000 sf.

21. **Village Congregation Church** (CD 2) Reinstatement of Preliminary Plat,
Location: West of the northwest corner of West 91st Street South and South Union Avenue

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, “absent”) to **APPROVE** Items 2 through 19 and 21 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

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

PUBLIC HEARINGS:

20. **Huntington Park** (CD 6) Final Plat, Location: South of the southeast corner of East 41st Street South and South 177th East Avenue

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-1** (Adams, Covey, Dix, Doctor, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; Fretz, “abstaining”; Carnes, Reeds, “absent”) to **APPROVE** the Final Plat Huntington Park per staff recommendation.

* * * * *

26. **Z-7421 Jamelle Moore, Wallace Engineering** (CD 2) Location: East of the southeast corner of South 33rd West Avenue and West 81st Street South requesting rezoning from **AG** to **RS-3** with **optional development plan** (Continued from November 15, 2017)

Applicant’s Comments:

Gene Phillips, 200 East Brady, Tulsa, OK 74103

Mr. Covey asked applicant what was the purpose of asking for a continuance to February 21, 2018.

Mr. Phillips stated since the last TMAPC meeting there had been a community meeting with some of the neighbors and have come to understand some of their concerns and would like more time to try and accommodate some of those concerns. He also stated he wanted to continue speaking with the adjacent neighbors concerning sewer and water needs.

Ms. Millikin asked applicant when the community meeting was held.

Applicant answered last Thursday, but would like to have another one prior to returning to TMAPC on February 21, 2018.

Ms. Millikin asked the applicant why the meeting wasn't held earlier.

Mr. Phillips stated the holidays and scheduling issues.

Mr. Covey stated the Interested Parties could express if they were for or against the continuance.

INTERESTED PARTIES:

Kaye Price 5815 South 31st West Avenue, Tulsa, OK 74107

Ms. Price stated she will go along with what everyone else wanted but didn't see an agreement between the applicant and the neighbors.

Allan Breedlove 8119 South 33rd West Avenue, Tulsa, OK 74132

Mr. Breedlove stated he is against the continuance and would like for TMAPC to hear the neighbors' concerns.

Francis J. Thompson 8215 South 33rd West Avenue, Tulsa, OK 74132

Ms. Thompson stated she is against the continuance and would like the issue settled and it is difficult to get everyone together.

Bart James 7910 South 101st East Avenue, Tulsa, OK 74137

Mr. James stated at the neighborhood meeting he had requested that the applicant ask for a continuance and never heard back from the applicant. Mr. James stated he was neither for or against a continuance now.

Jana Proffitt Davis PO BOX 702773, Tulsa, OK 74170

Ms. Davis stated she would go with the majority on the continuance.

Tish Dingman 2828 West 81st Street Tulsa, OK 74132

Ms. Dingman stated she lives next to the subject property and doesn't think the continuance would be helpful because the applicant has not been cooperative in responding to concerns, but she will go with the majority.

Jody Cole 2440 West 81st Street, Tulsa, Ok 74132

Mr. Cole did not speak.

Mr. Covey asked staff if they were ready to present this application today.

Mr. Wilkerson answered "yes", but there were some details still outstanding and the continuance would be helpful to resolve things like offsite utilities. Mr. Wilkerson stated those are required for this development to be possible. Mr.

Wilkerson stated he was ready to present but would also support a continuance by the applicant.

Mr. Shivel asked Mr. Wilkerson if the utility issue would have been covered in a TAC meeting.

Mr. Wilkerson answered bringing the utilities to the site would be a part of the TAC conversation with the preliminary plat application which happens a little later in the process.

Mr. Dix stated he was at a loss to see what a continuance would accomplish.

The applicant stated during the neighborhood meeting he spoke with several neighbors who would be in support of the development but did not encourage them to attend today because he thought the application would be continued. The applicant realizes this was an over assumption on his part but would like the opportunity to notify these neighbors to attend and voice their support.

Mr. Walker asked the applicant if he agreed with staff recommendation.

The applicant stated "yes". He stated he has met with staff and the developer and feels like this is something that can be accomplished through the optional development plan and would better clarify what would happen to adjacent property to the south.

Mr. Walker asked what was the general opposition.

The applicant answered the neighbors would like to see an acre to an acre and a half lots on the site but the developer would like to do something around the RS-2 plus range and houses in the 300,000 to 400,000 dollar price range to increase the value of the property in the area.

Ms. Millikin stated she would be in favor of a continuance because both the applicant and staff believe something good could come from continuing this to a later date.

Mr. Dix stated he was not opposed to a continuance.

Mr. Covey stated he was not opposed to the continuance either but was also mindful of the fact that this is the 2nd time a large majority of people have come to this meeting to voice their concerns. Mr. Covey stated a continuance could give the neighbors a chance to work out the issues with the developer.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **8-1-0** (Adams, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; Covey, “nays”; none “abstaining”; Carnes, Reeds, “absent”) to **CONTINUE** Z-7421 to February 21, 2018.

* * * * *

22. **LS-21101** (Lot-Split) (CD 4) – Location: Southwest corner of East 21st Street South and South Peoria Avenue (Related to LC-978 on Consent Agenda)

STAFF RECOMMENDATION:

The Lot-split proposal is to split an existing RS-2 (Residential Single-family) tract into two tracts. Tract 2 will exceed the Bulk and Area Requirements of the City of Tulsa Zoning Code. Tract 1 will be combined with the lot directly to the south per LC-978. The resulting combined tract will meet the Bulk and Area requirements of the City of Tulsa Zoning Code.

A previous Lot-split (LS-21023) and corresponding Lot-combination (LC-918) were approved, per the consent agenda, at the 7/5/17 Planning Commission meeting involving the same tracts. The revised Lot-split application is to allow both lots access to a sanitary sewer line.

The proposed Lot-split would not have an adverse effect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, “absent”) to **APPROVE** Lot Split LS-21101 per staff recommendation.

* * * * *

23. **Z-7395 Plat Waiver** (CD 6) Modification to Previous Condition, Location: North of the northeast corner of East 21st Street South and South Garnett Road

STAFF RECOMMENDATION:

The platting requirement for this property was triggered by an approved rezoning from RS-3 to OM with an optional development plan. A plat waiver was granted on November 1, 2017 that had two conditions of approval:

- A. The approved optional development plan standards be filed of record with the Tulsa County Clerk's office.
- B. The regulatory floodplain existing on the property be placed in the recommended easement

The optional development plan approved under Z-7395 has been recorded with the Tulsa County Clerk's office which satisfies the first condition of the plat waiver approval.

The applicant has prepared the required documentation for the filing of the required overland drainage easement; however, the timeframe for review and approval of the required easement has not been completed and the easement has not been filed. The applicant is seeking a modification to the 2nd condition to permit occupancy within the existing building on the site while the easement is still pending. No new construction is proposed at this time and the area to be covered by the overland drainage easement is restricted from any new development by the approved optional development plan.

In order to permit the issuance of a certificate of occupancy on the existing facility staff recommends **approval** of the modification to the previous conditions to reflect the following:

- A. ~~The approved optional development plan standards be filed of record with the Tulsa County Clerk's office.~~ Condition satisfied by 12/19/17 recorded notice of optional development plan.
- B. The regulatory floodplain existing on the property be placed in the recommended easement prior to any new construction on the site with the excluding any requests for interior remodel of existing structures.

TMAPC COMMENTS:

Mr. Dix asked what was the use for this facility.

The applicant stated it was for the Hmong community and they are going to use the church building for religious meetings and the school building for small offices.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, “absent”) to **APPROVE** the Plat Waiver Z-7395 per staff recommendation.

* * * * *

24. **QuikTrip No. 0085** (CD 3) Preliminary Plat, Location: Southwest corner of East Admiral Place and South Harvard Avenue

STAFF RECOMMENDATION:

This plat consists of 1 lot, 1 block on 1.98 ± acres.

The Technical Advisory Committee (TAC) met on January 4, 2018 and provided the following conditions:

1. **Zoning:** The property has been approved for rezoning so that all property included in the plat will be zoned CH (Commercial – High). The proposed lot complies with the requirements of the CH district.
2. **Addressing:** Addresses are approved as shown.
3. **Transportation & Traffic:** 5’ sidewalks required on all frontage. Call out any additional ROW dedications being made by plat and provide book/page for previous dedications. Corner clip at the intersection of Harvard Ave & Admiral Place should be either 42.42’ or 30’ radius. Bicycle racks are required in accordance with zoning requirements. ~~Eliminate 2nd driveway closest to Harvard Avenue along Admiral Place. Adjacent driveways create hazardous conditions for pedestrians and the proximity of the driveway to a major intersection can create traffic conflicts. Eliminating the 2nd driveway will address both of these issues.~~
4. **Sewer:** IDP approval required for sanitary sewer relocation and easement vacation. Minimum 15’ easement is required for any new sanitary sewer with pipe centered in easement unless otherwise approved by the City of Tulsa Development Services department. Provide additional 7.5’ easement for existing sanitary sewer extending from MH#610 from center of pipe to south easement line. 10’ separation required between sewer and water lines.
5. **Water:** Approved as shown.
6. **Engineering Graphics:** Submit subdivision control data sheet with final plat. Graphically provide assigned lot address to the face of the plat. Remove contours from final plat submittal. Show scale both written and graphically. Orient the plat so that north is up. Ensure written legal description and the face of the plat match. Bold the text for the bearing angle and length on the face of the plat. Identify all platted subdivisions on the location map and label all other property as unplatted. Provide a bearing angle between two known points under the Basis of Bearing heading. Add 3501 after North

Zone. State whether plat was surveyed in feet or survey feet. Add North American Datum (NAD83).

7. **Fire:** Approved as shown.
8. **Stormwater, Drainage, & Floodplain:** Development must accept and convey offsite runoff. Any increase in impervious area may require on-site detention and appropriate easements. No floodplain on the property.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Waivers of Subdivision Regulations:

1. None Requested

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

Applicant's Comments:

Alan Betchan 200 North McKinnley Road, Sand Springs, OK

Mr. Betchan stated there is a couple of issues he doesn't agree with staff on and one closing the 2nd driveway closest to Harvard Avenue on Admiral Place. Mr. Betchan stated this is a functional flow issue for the parking lot. He stated the parcel today has 5 drives and those would be consolidated into 2 driveways. Mr. Betchan stated realistically he would like three drives but understands and appreciates the clearing issues of the intersections. Mr. Betchan stated this is a unique site because all traffic that is destined for Admiral must exit on the Admiral side because there is a median that prevents left turns on to Harvard Avenue. Mr. Betchan stated everyone traveling east or west out of this site must exit through a single drive and that is a heavy load on one drive. Mr. Betchan believes this would cause more of a pedestrian conflict because there would be less breaks in the traffic and Admiral on the south side is a one-way street. Mr. Betchan stated shutting down the 2nd drive will force more traffic into the neighborhood because that is the only other way to get out. Mr. Betchan stated there could be a possible consolidation of the Delaware Avenue store with the Harvard store and that would increase traffic on Admiral. Mr. Betchan believes the 2nd drive is needed to provide more gaps in exiting traffic and that would be safer for pedestrian traffic than a single drive with all the traffic from Admiral going in and out of it. Mr. Betchan stated in the sanitary sewer comments in staff report it states there be a 15-foot easement on the sewer and he would like that to be "we will provide easements as required by the City of Tulsa" because there is the possibility of the easement being reduced but the application needs to get through the IDP

and the infrastructure plan to know what that number would be. If it needs to be 15 feet that will be fine.

Meeting was temporarily adjourned at 2:15 pm due to emergency evacuation of City Hall 2nd Floor.

The meeting was resumed at 2:27 pm after an all clear.

Mr. Walker left meeting at 2:27 pm

Mr. Covey asked Mr. Betchan if he had any more comments.

Mr. Betchan stated no he was finished.

Mr. Dix stated he needed to disclose he had spoken with the applicant during the break about this application and asked him some questions. Mr. Dix stated as a former Quick Trip representative it was historical that if a median was in front of a driveway you would attempt to have it removed. But Mr. Betchan told Mr. Dix that this was ODOT controlled and not as open to removing medians as the City of Tulsa. Mr. Dix stated he asked Mr. Betchan why they were trying to do this without using the corner property on Admiral and Mr. Betchan stated that property was tied up in a legal contract. Mr. Dix stated since the drive is so far down on Admiral Place he doesn't see the conflict with pedestrian traffic. Mr. Dix stated he holds the record for the number of drives with the Quick Trip in Claremore it has 6 so Mr. Dix doesn't see 4 as an abnormal number of driveways. Mr. Dix stated if it helps facilitate traffic around the gas pumps he doesn't see a problem at all.

Mr. Dix asked staff if they were ok with the sewer easement reading "we will provide easements as required by the City of Tulsa".

Staff responded "yes".

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **7-1-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Shivel, "aye"; Krug, "nays"; none "abstaining"; Carnes, Reeds, Walker, "absent") to **APPROVE** the Preliminary Plat Quik Trip No. 0085 per the site plan with 2 drives on Admiral Place and change the sewer easement wording to state as required by City of Tulsa.

* * * * *

25. **BOA-22385 Plat Waiver** (CD 5) Location: South of the southeast corner of East 15th Street South and South 101st East Avenue

STAFF RECOMMENDATION:

The platting requirement for this property is being triggered by a special exception approval by the Board of Adjustment on January 9, 2018 to permit a Governmental Services use in the CS district.

The Technical Advisory Committee met on January 4, 2018 and the following items were determined:

1. Property was previously platted under the Magic Circle addition plat.
2. All required right-of-way has been dedicated and no further dedications are required.
3. All major utilities are available on the site with no need for main line extensions or new easements.
4. The property is to remain one single lot with no further subdivision proposed at this time.
5. Increases in impervious area may require additional detention easements at the time of permits.
6. There is no floodplain on the property.

Staff recommends **approval** of the plat waiver.

Applicant was not present at meeting.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, Walker, “absent”) to **APPROVE** the Plat Waiver BOA-22385 per staff recommendation.

* * * * *

27. **CZ-467 Morgan Powell** (County) Location: Northwest corner of East 146th Street North and North Memorial Drive requesting rezoning from **AG to CG**

STAFF RECOMMENDATION:

SECTION I: CZ-467

DEVELOPMENT CONCEPT:

The applicant has requested to rezone from AG to CG in order to permit commercial uses on the subject lot. No specific use is planned at this time.

DETAILED STAFF RECOMMENDATION:

The requested CG zoning is not compatible with the existing surrounding zoning. CS zoning, however would be more consistent with the surrounding uses and intensities. The uses allowed by right in the CS zone are less intense than those allowed in the CG zone.

CS zoning should be limited to the eastern portion fronting on E 146th St N (approx. eastern 330 ft of lot);

CS zoning would be consistent with typical development patterns seen around arterial intersections of this nature therefore;

Staff recommends **denial** of CZ-467 request to rezone property from AG to CG and **approval** to rezone property from AG to CS with the exception of the portion behind the neighboring property to the west, south of the existing pond.

Staff recommends Denial of CZ-467 to rezone property from AG to CG on the entire parcel, but Approval of CS on the eastern portion fronting on E 146th St N. (approx. eastern 330 ft of lot).

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 146th St N is a Primary Arterial. N Memorial Dr is a Secondary arterial. E 146th St N is also State Highway 20. ODOT intends to widen this road in the near future. (See Applicant Right-Of-Way drawing, attached to this report)

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a single-family home.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 146 th St N	Primary Arterial	120 feet	2
N Memorial Dr	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	Agricultural
South	AG	N/A	N/A	Single-Family
East	AG	N/A	N/A	Vacant
West	AG	N/A	N/A	Single-Family

SECTION III: Relevant Zoning History

History: CZ-467

ZONING ORDINANCE: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

CBOA-1349 June 1995: The County Board of Adjustment approved a variance to permit 3 dwelling units on one lot of record – Section 208; finding that the tract is large enough to divide into three legal lots, on property located south of the subject property on the southwest corner of North Memorial Drive and East 146th Street North.

Applicant's Comments:

Morgan Powell 12315 East 86th Street North, STE 102, Owasso, OK 74055
Mr. Powell stated he represents the owners of the 5.1-acre subject plot and Deborah Alexander is here will Mr. Powell. Mr. Powell stated he would like to express gratitude to staff for their excellent assistance in this matter but with due respect Mr. Powell stated his client would like to continue with their original request of CG zoning. Mr. Powell stated he feels like this area bounded on the south by Highway 20 and on the East by Memorial is prime quality future commercial development and would like CG zoning so it would not be limited to any commercial use. Mr. Powell stated Memorial goes all the way to Ramona Oklahoma and Highway 20 is a thoroughfare. Mr. Powell stated there are other commercial developments near the subject plot and requests that CG be granted.

Mr. Dix stated he has had ex parte communications with the owners of this property and in no way will it affect his decision to vote for or against this application. Mr. Dix asked Mr. Powell if he had any knowledge of ODOT buying the property to the west of the subject property.

Mr. Powell stated he did not have any knowledge of the neighbor to the west selling to ODOT but his client had an offer from ODOT for 1 acre of their land adjacent to the highway.

Deborah Alexander 4030 North 4000 Road, Collinsville, OK
Ms. Alexander stated she has spoken with the ODOT Right of Way Manager, Jason Cook and he stated ODOT was taking the entire property to the west of Ms. Alexanders property because the highway would run through the back of her neighbor's property and that would only leave her neighbor 1½ acres.

Mr. Dix asked Ms. Alexander if she knew if the neighbor to the west has an offer letter from ODOT.

Ms. Alexander stated "yes".

Mr. Dix asked Ms. Alexander if she had also received an offer letter from ODOT.

Ms. Alexander answered "yes".

TMAPC COMMENTS:

Mr. Dix asked staff why they were recommending CS only on the eastern part of the subject tract.

Staff stated this area is behind a residential dwelling and CG uses are a high intensity and could include automotive repair shops, this was to protect the residents.

Mr. Dix asked if staff if they were suggesting the applicant leave the western portion of the subject property zoned AG.

Staff answered "yes".

Mr. Dix stated he would like to give a little history on the subject property. Mr. Dix stated he has studied this site in length while working for QuikTrip. Mr. Dix stated there were 3 locations looked at before purchasing the current site at Highway 20 and Highway 75. One was at 146th Street and Highway 169, the site of the current QuikTrip at Highway 20 and Highway 75 and the third is this subject property. Mr. Dix stated QuikTrip decided on the Highway 20 and Highway 75 intersection but if it had been gone QuikTrip would have tried to buy the subject property. Dr. Dix stated Memorial goes all the way to Ramona, OK and there is no frontage road north of Highway 20 along Highway 75. Mr. Dix stated the subject property is a key location and he sees no reason why this wouldn't be zoned CG as a whole.

Mr. Covey asked staff if ODOT was taking the entire area to the west.

Staff answered "yes".

Mr. Dix stated ODOT is buying the property to the west to widen the highway.

Mr. Covey asked staff if they could explain the differences between CS and CG.

Staff stated they discussed with the applicant what level of commercial would be appropriate for the subject property and at that time staff was unaware the property to the west was being sold to ODOT. Staff stated they recommended not zoning CG behind someone's house. Staff stated when setting the pattern for zoning in an area that does not have a comprehensive plan staff is reluctant to allow things like mini storage, allied services, etc. Staff stated with CS zoning those kinds of things would not be allowed by right and they would have to get a Special Exception from the Board of Adjustment but any other retail would be appropriate at that corner with CS zoning. But staff felt establishing the character of that corner was very important to this area.

Mr. Covey asked staff if QuikTrip wanted to put a store here they would be able to do that under a CS zoning?

Staff answered "yes".

Mr. Dix stated with the applicant having 5 acres with one being bought by ODOT their potential for marketing this property is better with the CG zoning. Mr. Dix stated the QuikTrip at Highway 20 and Highway 75 is in the City of Collinsville and the likelihood that the subject property would be governed by Tulsa County is slim and most likely will be annexed into the City of Collinsville after the completion of the Highway 20 rebuild.

Staff stated they spoke with the City of Collinsville planner and she agreed with staff's recommendation of CS.

Staff stated if the subject property went to CG zoning some of the things allowed by right would be air conditioning, heating and repair services, bottled gas, fuel oil storage, greenhouses, lumber yards and plumbing shops to name a few. Staff thought if these things were going to be allowed they should be heard as a separate request.

Mr. Covey asked staff if anything they heard today changes their recommendation.

Staff stated "yes", staff recommendation could change to CS on the entire portion since ODOT is taking the entire property adjacent to the applicants.

Mr. Covey asked staff what business is on the southeast corner and what zoning would it fall under?

Staff answered if zoned properly it would be CG or CS with a special exception.

Mr. Powell stated there was not any objections from the adjacent property owners for the CG zoning and Mr. Powell believes it would be an undue burden to have to go back and get a special exception to the CS and doesn't think there is a compelling reason to scale back to CS in terms of the effect on adjacent owners. Mr. Powell would respectfully ask that the application be approved.

Mr. Covey asked Mr. Powell if his clients live to the north.

Ms. Alexander answered she lives 4 and a half miles to the north but she owns the property just north of the 5.8 acres. Ms. Alexander stated her husband is a large animal vet and that property has agricultural barns on it.

Mr. Covey asked Ms. Alexander if she had any conversations with the neighbors regarding this application.

Ms. Alexander stated her husband had a text message from one of the neighbors asking if the Alexanders were being forced to rezone commercial. Ms. Alexander stated the neighbor to the west made no objection to the rezoning. Ms. Alexander stated there were no conversations with the neighbor to the south.

Mr. Powell stated he personally had spoken with the neighbor to the west who was going to be on the application with the owner but needed more time to think about it. Mr. Powell stated the owner decided to go ahead without her because ODOT could come calling anytime.

Mr. Covey stated he will vote in favor of the CG because there is no one opposing and there is a non-conforming business on the southeast corner that if zoned today would be CG.

Ms. Millikin stated she would be voting against the motion because it is still a very rural area and Ms. Millikin would have concerns about some of the uses that would be permitted if zoned CG.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **5-3-0** (Adams, Covey, Dix, Fretz Shivel, “aye”; Doctor, Krug, Millikin, “nays”; none “abstaining”; Carnes, Reeds, Walker, “absent”) to **APPROVE** CZ-467 rezoning from AG to CG on entire property.

Legal Description of CZ-467:

The South 533.5 feet of the East Half of the Southeast Quarter of the Southeast Quarter (E/2 SE/4 SE/4) of Section 23, Township 22 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT beginning at a point 22 rods (363 feet) West of the Southeast corner of the Southeast Quarter (SE/4); thence west to the North-South line of the East half of the Southeast Quarter of the Southeast Quarter (E/2 SE/4 SE/4) of said Section 23; thence North 368 feet; thence East to the point 22 rods (363 feet) West of the Section line; thence South 368 feet to the point of beginning, containing 5.18 acres of land more or less.

OTHER BUSINESS

28. Commissioners' Comments

None

* * * * *

ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, Walker, “absent”) to **ADJOURN** TMAPC meeting 2762.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:07 p.m.

Date Approved:

Chairman

ATTEST:

Secretary