

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2612**

Wednesday, October 19, 2011, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Midget	Alberty	Edmiston, Legal
Carnes		Fernandez	Steele, Sr. Eng.
Dix		Huntsinger	
Edwards		Matthews	
Leighty		Sansone	
Liotta			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 13, 2011 at 2:22 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 Leighty called the meeting to order at 1:30 p.m.

**REPORTS:**

**Director's Report:**

Mr. Alberty reported on the Board of County Commission (BOCC) and City Council agendas.

Mr. Alberty reported that he will be preparing a schedule with dates for the Form-Based Code roll-out for the Pearl District.

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1. **Minutes:**

**Approval of the minutes of September 21, 2011 Meeting No. 2610**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-1 (Cantrell, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Carnes "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of September 21, 2011, Meeting No. 2610.

2. **Minutes:**

**Approval of the minutes of October 5, 2011 Meeting No. 2611**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-2 (Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; Cantrell, Carnes "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of October 5, 2011, Meeting No. 2611.

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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. **LS-20463**, (Lot-Split) (CD-9), Location: West of the southwest corner of South Rockford Avenue and East 34<sup>th</sup> Street South (continued from 10/5/2011)
4. **LS-20465**, (Lot-Split) (CD-8), Location: East of the southeast corner of South Yale Avenue and East 105<sup>th</sup> Street South
5. **LS-20466**, (Lot-Split) (CD-8), Location: Southeast corner of South Yale Avenue and East 105<sup>th</sup> Street South
6. **The Boulevard -** Final Plat, Location: North of the northwest corner of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue (CD 6)
7. **PUD-306-D-1 – Claude Neon/James Adair/The Garden Trug**, Location: East of the northeast corner of 101<sup>st</sup> Street South and Riverside Parkway, Requesting **Minor Amendment** to reduce the setback for a sign from the east boundary of the PUD, **RM-0/RS-3/CS**, (CD-2)

8. **AC-109 – Dave Cannon/Will Rodgers United Methodist Church**, Location: South of the southwest corner of 11<sup>th</sup> Street South and South Yale Avenue, Requesting **Landscape Alternative Compliance** to allow the required street yard landscaping along one street to be located within the street right-of-way and permit several parking spaces to be located greater than 75 feet from a landscaped area, **CS/RS-3/PUD**, (CD-4)
9. **PUD-230 – Kevin VanOver/Milestones Pediatric Care**, Location: North of the northwest corner of East 41<sup>st</sup> Street South and US Highway 169, Requesting **Detail Site Plan** for a 4,826 single-story medical office building, **OL**, (CD-5)
10. **Z-7008-SP-3 – Tanner Consulting, LLC/Jiffy Lube**, Location: North of the northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue, Requesting a **Detail Site Plan** for 4,759 square foot oil change and lubrication service, **CO**, (CD-2).

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:**

**PUBLIC HEARINGS:**

11. **West Park Apartments** – Preliminary Plat, Location: Northwest corner of South Atlanta Avenue and East 5<sup>th</sup> Place, (CD 4) (Related to Item 12)
12. **West Park Apartments** – Authorization for an Accelerated Building Permit, Location: Northwest corner of South Atlanta Avenue and East 5<sup>th</sup> Place, (CD 4) (Related to Item 11)
13. **Franklin Park** – Plat Waiver, Location: 1736 East Virgin, east of North Utica Avenue, south of East Virgin Street North, (CD 1)
14. **Greenhill Distribution Center II** – Final Plat, Location: Southeast corner of East 46<sup>th</sup> Street North and U.S. 169, (CD 3)
15. **Z-7101-SP-2 – Andrew A. Shank/Joshua Operating Company, LLC** – Location: South of southeast corner of East 45<sup>th</sup> Street and South 109<sup>th</sup> East Avenue, Requesting **Corridor Plan** to allow the digitization of the existing and previously approved outdoor advertising sign located on the subject tract, **CO**, (CD-6)

**OTHER BUSINESS**

16. **Commissioners' Comments**

**ADJOURN**

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

## MINUTES:

### 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. **LS-20463**, (Lot-Split) (CD-9), Location: West of the southwest corner of South Rockford Avenue and East 34<sup>th</sup> Street South (continued from 10/5/2011)
4. **LS-20465**, (Lot-Split) (CD-8), Location: East of the southeast corner of South Yale Avenue and East 105<sup>th</sup> Street South
5. **LS-20466**, (Lot-Split) (CD-8), Location: Southeast corner of South Yale Avenue and East 105<sup>th</sup> Street South
6. **The Boulevard - Final Plat**, Location: North of the northwest corner of East 51<sup>st</sup> Street and South 177<sup>th</sup> East Avenue (CD 6)

#### **STAFF RECOMMENDATION:**

This plat consists of 21 lots in three blocks on 9.93 acres.

Staff has received released letters for this plat and can recommend **APPROVAL** of the final plat.

7. **PUD-306-D-1 – Claude Neon/James Adair/The Garden Trug**, Location: East of the northeast corner of 101<sup>st</sup> Street South and Riverside Parkway, Requesting **Minor Amendment** to reduce the setback for a sign from the east boundary of the PUD, **RM-0/RS-3/CS**, (CD-2)

#### **STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to reduce the setback for a sign from the east boundary of the PUD. Currently the PUD restricts signs from being placed within 120 feet of the east boundary of the subject tract.

Section 1107.H.12 of the code allows the Planning Commission to relax sign standards within PUDs via the minor amendment process so long as the size, location, number and character (type) of sign(s) is not substantially altered.



Please refer to the attached case photographs and site plan. The subject tract is 150 feet wide. There is a sign for the neighboring property to the west located almost directly on the west lot line of the subject tract. With the PUD requirement that any sign for this lot be located a minimum of 120 feet from the east lot line combined with section 1103.B.2.b.3 requiring signs in PUDs to have a minimum separation distance of 100-feet it is impossible to locate a sign on this site.

The property to the east from which the 120-foot setback is required is a Jenks Public School. Specifically the area immediately adjacent to the subject tract is a walking/running track and most likely would not be developed residentially.

Staff contends the request will not substantially alter the size, location, number and character (type) of sign(s) permitted within the PUD and recommends **APPROVAL** of minor amendment PUD-306-D-1.

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

8. **AC-109 – Dave Cannon/Will Rodgers United Methodist Church,**  
Location: South of the southwest corner of 11<sup>th</sup> Street South and South Yale Avenue, Requesting **Landscape Alternative Compliance** to allow the required street yard landscaping along one street to be located within the street right-of-way and permit several parking spaces to be located greater than 75 feet from a landscaped area, **CS/RS-3/PUD**, (CD-4)

**STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval of an Alternative Compliance Landscape Plan to allow the required street yard landscaping along one street to be located within the street right-of-way and permit several parking spaces to be located greater than 75-feet from a landscaped area containing at least 100 square feet, with a minimum width or diameter of seven feet.

Section 1003.D of the code states that the Planning Commission may determine that, although not meeting the technical requirements of Chapter 10 the submitted plan is equivalent to or better than the requirements of Chapter 10 of the code.

Please refer to the attached plan. Triggering the need to update the landscape plan is the installation of a new driveway near the southeast corner of the site. The existing South Winston Avenue street yard landscaping is located in the street right-of-way (ROW). In order to meet or exceed the technical requirements of Chapter 10 of the code the

applicant is proposing to plant 19 crepe myrtles in the street yard where 7 are required.

Approximately 4 parking spaces located at the northwest corner of the site are not within 75' of a landscaped area. In the alternative the applicant will increase the number of parking area trees from the required 11 to 16 trees.

Staff can support these efforts as equivalent to, or better than the technical requirements of Chapter 10 and recommends **APPROVAL** of AC-109.

9. **PUD-230 – Kevin VanOver/Milestones Pediatric Care**, Location: North of the northwest corner of East 41<sup>st</sup> Street South and US Highway 169, Requesting **Detail Site Plan** for a 4,826 single-story medical office building, **OL**, (CD-5)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 4,826 single-story medical office building. The proposed use, Use Unit 11 – Office, Studios and Support Services is a permitted use in PUD-230.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided via mutual access easement from South 103<sup>rd</sup> East Avenue. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. Landscaping will be provided per the PUD and landscape chapters of the Zoning Code. A solid screened trash enclosure will be provided as required by the PUD.

Staff recommends **APPROVAL** of the detail site plan for Lot 4, Block 1 – Tuscany Pointe.

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

10. **Z-7008-SP-3 – Tanner Consulting, LLC/Jiffy Lube**, Location: North of the northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue, Requesting a **Detail Site Plan** for 4,759 square foot oil change and lubrication service, **CO**, (CD-2).

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 4,759 square foot oil change and lubrication service. The proposed use, Oil and

Lubrication Service within Use Unit 14 – Shopping Goods and Services is a permissible use within this Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code with access derived from South Olympia Avenue. Landscaping is provided per the landscape chapter of the Zoning Code. All site lighting is limited to 13-feet in height, will be wall mounted only and is directed down and away from adjoining properties. A trash enclosure has been provided as required by the Corridor District Development Plan. Sidewalks have been provided along South Olympia Avenue as required by CO District Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 2/Tract 2B, Block 2 – Tulsa Hills.

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

**The Planning Commission considered the consent agenda.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 3 through 10 per staff recommendation.

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## **PUBLIC HEARING**

11. **West Park Apartments** – Preliminary Plat, Location: Northwest corner of South Atlanta Avenue and East 5<sup>th</sup> Place, (CD 4) (Related to Item 12)

### **STAFF RECOMMENDATION:**

This plat consists of four lots, three blocks, on 7.03 acres.

The following issues were discussed September 15, 2011, and October 6, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RM-2, CS, CH and Planned Unit

Development 787 (pending). Covenants must contain PUD standards.

2. **Streets:** Property lines for Block 1 southeast corner must be in bold, while the right-of-way dedicated should be identified inside the property line with a lower line weight (see southwest corner of Block 1 for proper depiction). Corners of Blocks 2 and 3 also need to be corrected.
3. **Sewer:** Add perimeter easements on each block. We need a minimum of 11 feet along the north boundary line of Block 1, since there is an existing sanitary sewer line just north of the boundary line. The proposed sanitary sewer relocation must be completed and in service before the existing sanitary sewer system can be closed and taken out of service. No building permits can be issued for buildings encroaching on the existing system until the existing utility lines have been closed. All sanitary sewer pipe, that will be located under a paved driving surface, must be ductile iron pipe.
4. **Water:** A 17.5-foot utility easement is needed adjacent roadway right-of-ways. Building lines may need to be moved to accommodate utility easements. Show the existing 12-inch waterline along Lewis Avenue and proposed new connections of new lines. Along South Atlanta Avenue and 5<sup>th</sup> Street there is a possible conflict between storm sewer line and the new replaced water main line. Show offset of the new water main lines from right-of-way and back of curb. Staff will work with the developer and utilities on easement sizes and requirements.
5. **Storm Drainage:** Remove contours from face of plat. Use the standard covenant language, revised March 11, 2011 for Section I.C.2, 4, 5; Verbatim. Add a "Roof Drainage Requirements" subsection, modified to fit this development. Section IV: A. states that "The restrictions herein set forth are covenants to run with the land and shall be binding upon the owners and their respective successors and assigns in title." B and C say that the restrictions can be amended or terminated by the owner, which eliminates the statement in B which states they will be in full force and effect for a term of not less than 30 years. It appears that these covenants, which are included in the PUD and the plat, are not binding upon the owners. That will not be acceptable. Add a legend for all symbols, and show and label all existing and proposed easements.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be required.
7. **Other: Fire:** Item 1 – off street parking shall not interfere with the aerial fire apparatus access requirements. Need to indicate location and sizes of new water mains. Drawing still showing one fire hydrant without indicating water mains to serve it. If buildings exceeding 30 feet in height will need to provide aerial fire apparatus access lanes per Section D105 of the International Fire Code.

**GIS:** Please update the date of preparation with each new submittal. Submit a subdivision control data form.

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 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.

**Applicant indicated his agreement with the staff recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for West Park Apartments per staff recommendation, subject to special conditions and standard conditions.

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12. **West Park Apartments** – Authorization for an Accelerated Building Permit, Location: Northwest corner of South Atlanta Avenue and East 5<sup>th</sup> Place, (CD 4) (Related to Item 11)

**STAFF RECOMMENDATION:**

The property is zoned RM-2, CS, CH, with a Planned Unit Development pending (PUD-787). Full permits are requested. A preliminary subdivision plat is on this TMAPC agenda for the site.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: Project has been in planning and site acquisition for a long period of time. Funding requirements have now set an aggressive schedule to complete and occupy. City of Tulsa, TDA (Tulsa Development Authority), and Tulsa Community Foundation are owners. Project is funded and will be completed. Also a letter is attached for consideration.



The following information was provided by the Technical Advisory Committee in its meetings September 15, 2011 and October 6, 2011.

**ZONING:**

TMAPC Staff: Full permits are requested.

**STREETS:**

Transportation: No comments.

**SEWER:**

Public Works, Waste Water: The existing sanitary sewer lines must be closed by Ordinance before a building permit can be issued for a building that will encroach on the existing sewer system.

**WATER:**

Public Works, Water: No comments.

**STORM DRAIN:**

Public Works, Storm Water: Acceptable if compliant with Section I.H of the plat covenants.

**FIRE:**

Public Works, Fire: No comments.

**UTILITIES:**

Franchise Utilities: No objection.

**The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits could adhere to this ideal.**

**The TAC (Technical Advisory Committee) did not object to the accelerated building permit. Staff can recommend approval of the accelerated permits with the conditions as commented by the Technical Advisory Committee.**



**Applicant indicated his agreement with the staff recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the authorization for an accelerated building permit for West Park Apartments per staff recommendation.

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13. **Franklin Park** – Plat Waiver, Location: 1736 East Virgin, east of North Utica Avenue, south of East Virgin Street North, (CD 1)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a requested permit in an existing park.

**Staff provides the following information from TAC at their October 6, 2011 meeting:**

**ZONING:**

TMAPC Staff: The property is zoned RS-3.

**STREETS:**

No comments.

**SEWER:**

No comments.

**WATER:**

No comments.

**STORMWATER:**

No comments.

**FIRE:**

No objection to plat waiver, however need to see conceptual drawing to determine if additional fire hydrants or fire department access is required.

**UTILITIES:**

No objection.

Staff recommends **APPROVAL** of the plat waiver for the existing park use.

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

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

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

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

necessitate additional right-of-way dedication or other special considerations?

**Applicant indicated his agreement with the staff recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the plat waiver for Franklin Park per staff recommendation.

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14. **Greenhill Distribution Center II** – Final Plat, Location: Southeast corner of East 46<sup>th</sup> Street North and U.S. 169, (CD 3)

**STAFF RECOMMENDATION:**

This plat consists of 4 Lots, in 2 Blocks, on 58.21 acres.

The plat was proposed and received Preliminary approval in 2006 but was never finalized.

The plat expired and was reintroduced in April of 2011. The Preliminary Plat was approved on June 1, 2011.

An application for authorization for an accelerated building permit for the site was received on June 30, 2011 but was withdrawn.

Staff has received release letters for this plat and can recommend approval of the final plat. However, there has been concern raised from ODOT (Oklahoma Department of Transportation) about drainage issues for the property. There have been meetings held with the consulting engineers for the project and involving staff from the City of Tulsa. The City of Tulsa has released the plat and approved of the drainage and stormwater plans. ODOT has not sent a release letter for this plat. Information concerning the drainage will need to be discussed at the TMAPC meeting so the final plat was not placed under the Consent agenda items.

**TMAPC COMMENTS:**

Mr. Leighty asked Mrs. Fernandez if ODOT had a representative present today. In response, Mrs. Fernandez answered negatively.

Mr. Walker asked if there is any precedent for a case like this. In response, Mrs. Fernandez stated that there none that she is aware of.

**Applicant's Comments:**

**Mark Kenney**, Cynergy, AEC, 320 South Boston, 12<sup>th</sup> Floor, 74103, Engineer Director on the drainage plan development, stated that in 2008 this process started for the second phase of the industrial park. The first phase plat was approved in 2006 and on that particular plat the City granted fee-in-lieu of detention for that development.

Mr. Kenney indicated where the regulatory floodplain exists and explained that the northern seven acres is a reserve. He further explained that this development was required to replace an old farm pond and enlarge it by the Corps of Engineers and to plant 300 to 400 trees. There was 60,000 yards of dirt excavated to make a backwater storage area for floodplain compensatory storage. The City of Tulsa has a floodplain and it can't be raised, but it can be lowered.

The service road to U.S. 169 and ODOT's property starts approximately where the curve begins and there is a culvert and it is the restrictor of the drainage way. His company went through process as defined by the City of Tulsa and the City approved it and it was developed in 2009. During the course of this development, the City of Tulsa advised that ODOT be informed so that they understand what is being done. After meeting with ODOT, he learned that ODOT's policy is that there be no increase runoff onto their right-of-way. Mr. Kenney explained that they were not designing anything for ODOT, but rather for the development in the City of Tulsa. ODOT disagrees with the proposal that was designed according to the City of Tulsa Regulatory Floodplain requirements. Mr. Kenney indicated that if he followed ODOT's suggestions he would have to backup away and build a detention pond similar in size to the reserve and by creating the detention pond it would eliminate the possibility of the urbanized condition that creates the Tulsa Regulatory Floodplain. There is a contradiction in the philosophy, so speak, regarding management of drainage for the City of Tulsa versus what ODOT's policy. His project is stuck in the middle.

Mr. Kenney stated that he has to abide by the City of Tulsa's requirements to get a permit. He doesn't know where this goes beyond that. Mr. Kenney concluded that he followed all of the rules. Mr. Kenney stated that ODOT doesn't design and build drainage structures to the 100-year storm and the City of Tulsa requires it. There are two entities with requirements,

but only one can grant the permission to build it. The other entity wants to deny the ability to go forward with the development due to not following ODOT's policy.

**TMAPC COMMENTS:**

In response to Mr. Leighty, Mr. Kenney stated that the City of Tulsa approved the plans based on his company providing compensatory storage. At the highest storm levels his company has shown that they can do 25-, 50- and 100-year with what now exists. The two-, five- and ten-year do exceed the existing condition; however, these storms do not pose a threat to over-topping or flooding the road. Mr. Kenney stated that he feels that he followed all of guidelines that he was supposed to, yet there is an entity that has said all along they want it done this way, but there is no procedural check within the City of Tulsa criteria that states ODOT must approve this before they can.

In response to Mr. Liotta, Mr. Kenney stated that Sections E & F of the ODOT letter contains verbiage from the City of Tulsa Master Drainage Plan, which was a proposal from the consultants of 1991 to help with the flooding and increase the size of the culvert. Mr. Liotta stated that he is trying to figure out what specifics ODOT is requesting and those are the only ones he sees. Mr. Kenney stated that Sections E and F are from the City of Tulsa Master Drainage Plan. Mr. Kenney stated that ODOT stated that they could not agree with the design procedure.

Mr. Carnes suggested that the Planning Commission hear from Mr. Steele and then let Mr. Kenney come back. Mr. Leighty stated that he will, but there is one speaker signed up to speak on this issue.

**Bob Pielsticker**, 1435 South Norfolk Avenue, 74120, submitted information on the Greenhill Distribution Center (Exhibit A-1) and stated that he is the real estate broker with CBRE/Oklahoma, formerly with Trammel Crow Company. Trammel Crow Company is the developer of the subject park and was intended to be a Class A park for Tulsa Oklahoma. This is Phase II of the park and it is the only certified industrial park in the City of Tulsa per the Department of Commerce. Trammel Crow Company has spent approximately four million dollars on the subject development. Mr. Pielsticker explained that there have been businesses lost to the City of Tulsa due to this project being delayed. Mr. Pielsticker stated that it seems that the City and ODOT are unable to agree on this project and he hopes that TMAPC would help to get this moved along to the City Council.

**TMAPC COMMENTS:**

In response to Mr. Walker, Mr. Pielsticker stated that ODOT was late in the game and in his mind it came as a curve ball. The interchanges are not designed to handle the water that would be seen in a 100-year storm and if this isn't approved it may open a can of worms. There are probably situations all over the City of Tulsa where there is the same issue with ODOT. Mr. Walker asked if there is a jurisdiction problem at this time. Mr. Pielsticker stated that the project does touch the highway right-of-way on the northwest corner of this site. Mr. Walker stated that he is inclined to approve, but would ODOT try to challenge the approval. In response, Mr. Pielsticker stated that he doesn't know and no one is here to represent ODOT.

Mr. Leighty asked Mr. Pielsticker what it would take to make this acceptable to ODOT. In response, Mr. Pielsticker stated that he isn't sure he knows the answer to that question. He assumes that they would like require that they take more land and enlarge the detention area. The detention area has grown from two acres to where it is today. There is a lot of limestone in the subject area. The lake has been taken down to the limestone and that is part of the restrictions and unable to make the lake deeper without using more land.

In response, Mr. Pielsticker stated that subject property was designed per the City of Tulsa regulations. Trammel Crow spent four million dollars based on what they were told to do and at the end of the day there is one agency that says, "no we disagree". Mr. Pielsticker further stated that he understands that if there should be a 100-year flood, there may be some water on Garnett Road and the entire intersection.

Mr. Carnes stated that he experienced this quite a bit during his construction days. He further stated that when developing one has to work with the City of Tulsa to get your building permit. Mr. Carnes indicated that he is agreement with this proposal.

Mr. Alberty stated that ODOT has never designed bridges or drainage structures to pass the 100-year flow. This has been done for years and the City of Tulsa has a more progressive design to pass the 100-year flow, which makes more difficult requirements on the developer. Only recently have ODOT designs met the 50-year flow. The developer is at an impasse and the situation is that the developer has to satisfy the City of Tulsa to get their building permit. Mr. Alberty stated that quite bluntly, they do not have to satisfy ODOT to develop on the subject property. The ODOT letter is not required in order for the TMAPC to approve subdivisions. There is a possibility of floodplain issues here, but it meets all of the City of Tulsa requirements and can move forward.

Mr. Leighty expressed concerns that there could be possibly repercussions from ODOT if this is approved. Mr. Alberty stated that this isn't the first time this has happened and there has been no issues made by ODOT.

**David Steele**, Senior Engineer, City of Tulsa, stated that he commends Mr. Alberty; he couldn't have said it better himself. The City has worked very closely with the engineer on the subject project. The City has spent a great deal of time on the subject project because it has been very complex. Several times the City of Tulsa has communicated with ODOT. The City of Tulsa supports 100% the engineer on the subject project. Kent Schroeder was the hydrologist on the subject project and has spent a good deal of time on it. Mr. Schroeder has had 30+ years as a hydrologist with the Corps of Engineers and now has six years as a Senior Engineer Hydrologist for the City of Tulsa. The developer of the subject project has done everything the City has requested him to do and the first and second phase is designed to 100-year fully developed flows. According to Mr. Schroeder the 100-year flow, if it goes over Garnett at all, will not go over more than one-inch or less. Mr. Steele commented he wouldn't consider that a flood. To ask this developer to build another detention facility to contain the possible one-inch overflow is unreasonable. ODOT is asking for no flow at all for the subject area and the City of Tulsa doesn't believe that is reasonable. ODOT is essentially asking the developer to build a dam on his property so that water doesn't get on ODOT. Mr. Steele stated that downstream from the dam would be another embankment that is equally containing water and it is called Garnett. ODOT is actually asking the developer to build a dam when there is already one there that contains water and allows flow under. Maybe an inch or two would go over the top of the road in the 100-year flow. Mr. Steele concluded that the City of Tulsa would like to have ODOT's clearance on every project and strive for that, but this is one case where the City doesn't feel it is reasonable. The City stands by the proposal as it is today and recommends that the Planning Commission do likewise.

Mr. Edwards stated that during his time as an Urban Land Use Planner in Claremore, he ran into situations like this with ODOT. ODOT sends out a letter like this that creates concerns, but then no one shows up to represent them or to explain their concerns or what they are looking for. In the past this has not been detrimental and if it was that grave someone from ODOT should be here. Mr. Edwards concluded that he personally doesn't have a problem with the subject proposal and after going through this with ODOT in the past, he knows it is not unusual.

In response to Mr. Dix, Mr. Steele stated that the possible 100-year flow would be an inch clear across the road and it is in right in the bend and it would be approximately 25 to 50 feet. If there were any overflow onto the



road it might be one- to two-inches at the most. The calculations show that it is questionable if it would actually overflow. Mr. Steele stated that the flood of 1984 was far greater than a 100-year event. There have been estimates of 250- to 300-year event with 14 inches of rain not far from the subject area overnight. It is not a reasonable comparison to the subject proposal. There is no way anyone can prepare for that kind of event.

In response to Mr. Leighty, Mr. Alberty stated that he personally doesn't feel that it is necessary to write a letter to ODOT about the Planning Commission's action. Mr. Carnes stated that he wouldn't feel it necessary and why stir up something. Mr. Carnes recommended a vote be taken.

Mr. Carnes moved to approve the final plat per staff recommendation with the City's recommendation. Seconded by Mr. Walker.

Mr. Liotta stated that he has a lot of respect for the Department of Transportation, as he is sure we all do. He was the appropriation chair in the House for the Department of Transportation and worked very closely with them for several years and still does today. Reading the letter from ODOT, he is looking for the objections, criteria and what they are identifying and they don't really seem to identify their objections, but more or less second-guessing the City's requirements. He knows that the City of Tulsa has a national reputation for excellence in stormwater management. In this instance he sees a lot of credibility with the City's decision on this and will support it.

Mr. Perkins stated that it seems that ODOT is stifling the growth of Tulsa through their inadequate design in the City's floodplain. Floodplain management became as a result of the 1984 floods and we need ODOT to get on board to manage their structures in our floodplains better.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the final plat for Greenhill Distribution Center II per staff recommendation and City of Tulsa's recommendation.

\* \* \* \* \*

15. Z-7101-SP-2 – Andrew A. Shank/Joshua Operating Company, LLC – Location: South of southeast corner of East 45<sup>th</sup> Street and South 109<sup>th</sup> East Avenue, Requesting **Corridor Plan** to allow the digitization of the existing and previously approved outdoor advertising sign located on the subject tract, **CO**, (CD-6)



**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 21885 dated October 9, 2008, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**BOA-21330 October 11, 2011:** The Board of Adjustment accepted a verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from any other digital outdoor advertising sign facing the same traveled way subject to the action of the Board being void should another digital outdoor advertising sign be constructed within 1,200 feet of the sign location. This action was taken on the subject property.

**BOA-21120 August 10, 2010:** The Board of Adjustment accepted a verification of the spacing requirement for a digital outdoor advertising sign from another outdoor advertising sign; subject to the action of the Board being void should another digital outdoor advertising sign be constructed within 1,200 feet of the sign location. This action was taken on the subject property.

**Z-7101/Z-7101-SP-1 October 2008:** All concurred in approval of a request for rezoning a 10.4± acre tract of land from OM to CO and a Corridor Site Plan for office, commercial and outdoor advertising sign use, on property located south of southeast corner of East 45<sup>th</sup> Street and South 109<sup>th</sup> East Avenue and is the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 7.2± acres in size and is located south of southeast corner of East 45<sup>th</sup> Street and South 109<sup>th</sup> East Avenue. The property is developed as an office complex with an existing outdoor advertising sign on site and is zoned CO.

**SURROUNDING AREA:** The subject tract is abutted on the east by Town Centre II, zoned CO and with office uses; on the north by Town Centre II, zoned RM-2 and being used residentially; on the south by the exit ramp from US Highway 51 / The Broken Arrow Expressway, zoned RS-3; and on the west by Town Centre II, zoned AG being used as a stormwater detention facility. Please see the attached photographs.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan designates US Highway 51 and US Highway 169 as Existing Freeways. The Plan does not designate South 109<sup>th</sup> East Avenue / East 45<sup>th</sup> Street South.

**Tulsa City-County Major Street and Highway Plan:**

The Tulsa City-County Major Street and Highway Plan designates US Highway 51 and US Highway 169 as Freeways. South 109<sup>th</sup> East Avenue is classified as a residential collector.

<b><u>Exist. Access</u></b>	<b><u>MSHP Design</u></b>	<b><u>MSHP R/W</u></b>	<b><u>Exist. # Lanes</u></b>
South 109 <sup>th</sup> East Avenue	Residential Collector	60'	4

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Tulsa Comprehensive Plan designates the subject tract as an "Area of Growth" with a land use designation of "Employment Area".

**Areas of Growth** are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

**Employment areas** contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

**Employment areas** require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Since this proposal does not include a zoning change and the outdoor advertising / billboard use is already permitted by the Corridor Plan, the proposed digitization of the existing billboard **may be found** in accord with the Plan.

**STAFF RECOMMENDATION:**

The purpose of Corridor District Plan Z-7101-SP-2 is to allow the digitization of the existing and previously approved outdoor advertising sign located on the subject tract. Section 1221.G.14 of the code states that the digitization of an existing billboard is considered a change of use, therefore triggering the need for a new Corridor District Plan proposal.

The subject tract and existing sign is located along the exit ramp from the westbound travel lanes of US Highway 51 to the northbound US Highway 169 and is located in a Freeway Sign Corridor as required by code. There is another digital outdoor advertising sign located to the southeast of the existing sign and another located to the northwest.

On October 11, 2011 the City of Tulsa Board of Adjustment (BOA) in case number BOA-21330 accepted the spacing verification for this sign from the aforementioned outdoor advertising signs.

Given the existing sign location along a freeway right-of-way (ROW), within a freeway sign corridor and the acceptance by the BOA of the spacing verification staff is inclined to support the proposal.

Staff finds the existing use, as well as the proposed use to be in harmony with the spirit and intent of the Code. Staff finds Z-7107-SP-2 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-7107-SP-2 subject to the following conditions:

1. The applicant's Concept Development Plan and Text be made a condition of approval, unless modified herein.

All requirements and development standards of Z-7101-SP-2 remain effective unless modified below.

2. Development Standards:

**PERMITTED USES:**

Use Unit 11, Multi-story Offices and the accessory uses permitted in the OH-Office High Intensity District, as defined and regulated by Section 602 of the Tulsa Zoning Code; and Outdoor Advertising as permitted within Use Unit 21 – Business Signs & Outdoor Advertising including digital outdoor advertising.

**SIGNS:**

**Outdoor Advertising Signs\*:**

Maximum Number of Signs:	One (1)
Maximum Display Surface Area:	672 sq. ft.
Maximum Height:	50 feet**
Setback from Expressway right-of- way:	10 feet
Setback from AG District (Reserve "A"):	10 feet

*\*Outdoor Advertising signs must verify the 1,200 foot spacing requirement with the City of Tulsa Board of Adjustment (BOA); prior to the issuance of a building/sign permit.*

*\*\*Per section 1221, F-15 the height of the O/A sign may be increased to 60' with verification the highway ROW is greater than ten feet higher than the location of the O/A sign. This will be verified at CO District detail sign plan review.*

**Business Signs:**

Maximum Number of Ground Signs:  
Fronting East 45<sup>th</sup> Place: 2 (one per Tract A and B)  
Fronting Expressways: 2 (one per Tract A and B)  
Maximum Display Surface Area of Ground Signs:  
As Provided in Sections 1221 C and D of the Tulsa Zoning Code

Maximum Height of Ground Signs: 25 feet  
Maximum Display Surface Area of Wall Signs:  
As provided in Sections 1221 C and D of the Tulsa Zoning Code

Minimum Sign Separation:  
Business Signs: 50 FT  
Setback between Outdoor Advertising Sign and Business Signs: 75 FT

3. No sign permits shall be issued for erection of a sign on a lot within the CO Plan area until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved CO District development standards. Outdoor Advertising signs must also verify the 1,200 foot spacing requirement with the City of Tulsa Board of Adjustment (BOA); prior to the issuance of a building/sign permit.
4. General business signs may not flash and have electronically changeable copy. Running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited for general business signs.

5. No building or sign permit shall be issued until the requirements of Section 1107.F of the Zoning Code have been satisfied or a plat waiver granted and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the CO District conditions of approval and making the City beneficiary to said covenants that relate to CO District conditions.
6. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**TAC Comments:**

**General:** No comments.

**Water:** City atlas page is 183.

**Fire:** No comments.

**Stormwater:** No comments.

**Wastewater:** No comments.

**Transportation:** No comments.

**Traffic:** No comments.

**GIS:** No comments.

**Street Addressing:** No comments.

**Inspection Services:** No comments.

**TMAPC COMMENTS:**

In response to Ms. Cantrell, Mr. Sansone stated that the digitization will be on the south side only.

**Applicant indicated his agreement with the staff recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the corridor plan to allow for digitization of the existing and previously approved outdoor advertising sign per staff recommendation.

**Legal Description for Z-7101-SP-2:**

Parts of Lots Two (2) and Three (3), Block Two (2), TOWNE CENTRE II, a Subdivision of the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, being more particularly described as follows, to-wit: Beginning at the Southeast Corner (SE/C) of said Lot Two (2); thence North 56°39'34" West a distance of 334.94 feet; thence North 46°16'09" West a distance of 313.83 feet; thence North 37°52'32" West a distance of 489.96 feet; thence North 52°07'28" East a distance of 120.67 feet; thence North 17°08'29" East a distance of 130.00 feet; thence

South 72°51'31" East a distance of 135.27 feet; thence easterly along a curve to the left with a radius of 566.38 feet, a distance of 177.93 feet; thence North 89°08'29" East a distance of 10 feet; thence easterly along a curve to the right with a radius of 482.98 feet, a distance of 189.56 feet; thence South 68°22'17" East a distance of 0.00 feet; thence North 38°48'42" East a distance of 21.10 feet; thence southeasterly along a curve to the left with the radius of 651.73 feet; a distance of 2.32 feet; thence South 51°22'31" East a distance of 204.92 feet; thence South 00°05'29" West a distance of 774.40 feet to the Southeast Corner (SE/C) of said Lot Two (2) and the point of beginning.

\*\*\*\*\*

**OTHER BUSINESS:**

None.

\*\*\*\*\*

**Commissioners' Comments**

None.

\*\*\*\*\*

**TMAPC Action; 10 members present:**

On **MOTION** of **LIOTTA**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **ADJOURN** TMAPC meeting No. 2612.

\*\*\*\*\*

There being no further business, the Chair declared the meeting adjourned at 2:29 p.m.

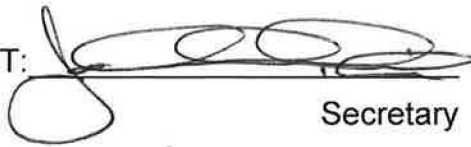
Date Approved:

November 2, 2011



Chairman

ATTEST:



Secretary

