

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2615

Wednesday, December 7, 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	Edwards	Alberty	Edmiston, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	Keller, COT
Leighty		Huntsinger	
Liotta		Matthews	
Midget		Sansone	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 1, 2011 at 3:30 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:**

#### **Chairman's Report:**

Mr. Leighty reported that a nominating committee has been formed for the election of officers and will report back to the Planning Commission on December 21, 2011. Election of officers will take place January 4, 2012.

#### **Director's Report:**

Mr. Alberty reported on the City Council and Board of County Commissioners' agendas. Mr. Alberty further reported on the meetings with businesses and interested parties for the Form-Based Code Regulatory Plan in the Pearl District.

Mr. Liotta in at 1:33 p.m.

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**Minutes:**

**Approval of the minutes of November 16, 2011 Meeting No. 2614**

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Cantrell, Carnes, Dix, Leighty, Liotta, Perkins, Shivel, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Stirling "absent") to **APPROVE** the minutes of the meeting of November 16, 2011, Meeting No. 2614.

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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.**

2. **LS-20464** - (Lot-Split) (CD-2), Location: North of the northwest corner of East 66<sup>th</sup> Place South and South Peoria Avenue
3. **LC-369** - (Lot-Combo) (CD-7), Location: Northwest corner of South 102<sup>nd</sup> East Avenue and East 49<sup>th</sup> Street South
4. **LC-370** - (Lot-Combo) (CD-6), Location: East of the northeast corner of East 59<sup>th</sup> Street South and South Mingo Road
5. **LS-20480** - (Lot-Split) (County), Location: Northeast corner of East 56<sup>th</sup> Street North and North Mingo Road
6. **LS-20481** - (Lot-Split) (County), Location: East of the northeast corner of South 125<sup>th</sup> East Avenue and East 132<sup>nd</sup> Street South
7. **Estates of Waterstone Extended – Final Plat**, Location: South of the southeast corner of South Louisville and East 111<sup>th</sup> Street South, (CD 8)
8. **Change of Access – Lot 1, Block 1, Holliday Hills Center**, Location: West of northwest corner of East 61<sup>st</sup> Street South and South Yale Avenue, Lot 1, Block 1, Holliday Hills Center, (CD 9)
9. **PUD-516-C – Barrick Rosenbaum/101<sup>st</sup> & Yale Properties, LLC**, Location: East of the southeast corner of 101<sup>st</sup> Street South and South Yale Avenue, Requesting a **Detail Site Plan** for a two lot office park, **RS-4/OL/CS** (CD-8)
10. **AC-110 – Kevin Bledsoe/QuikTrip**, Location: Northeast corner of West 51<sup>st</sup> Street South and South Union Avenue, Requesting **Landscape Alternative Compliance** for a new QuikTrip store, **CS** (CD-2)

11. **Z-7008-SP-1 – Khoury Engineering/MedNow**, Location: South of the southeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue, Requesting a **Corridor Detail Site Plan** for a 4,813 square foot medical office building, **CO** (CD-2)
12. **PUD-570-5 – Claude Neon Federal Signs/Todd Adair/Caimbrae Realty**, Location: North of the northwest corner of 111<sup>th</sup> Street South and South Memorial Drive, Requesting a **Minor Amendment** to increase the permitted display surface area for a ground sign from 125 square feet to 130 square feet, **CS** (CD-8)
13. **Z-7008-SP-4 – Vasquez Engineering/Discount Tires**, Location: North of northwest corner West 81<sup>st</sup> Street South and South Olympia Avenue, Requesting **Corridor Detail Site Plan** for a 6,941 square foot automobile tire store, **CO** (CD-2)
14. **PUD-783-A – Alan Betchan/AAB Engineering/QuikTrip**, Location: East of the northeast corner of West 71<sup>st</sup> Street South and US Highway 75, **Detail Site Plan** for a 5,720 square foot gasoline service station and convenience store, **CS/OL**, (CD-2)

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

##### **PUBLIC HEARINGS:**

15. **BOA 21342 – Plat Waiver**, 5525 East 51<sup>st</sup> Street, Lot 1, Block 1, Parkland Addition (CD 5)
16. **Z-7186 – Richard Morgan/Aberdean Dynamics**, Location: Northeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue, Requesting from **CS to IL**, (CD-6)
17. **Z-7187 – Paul R. Brauer/Core Laboratories, LP**, Location: Northwest corner of North Mingo Road and East 46<sup>th</sup> Street North, Requesting from **RS-3/IL to IL**, (CD-3)
18. **Z-7188 – Jaren M. Burden**, Location: South of the southwest corner of East Pine Street and North Lewis Place, Requesting from **RS-3 to CS**, (CD-3)

##### **OTHER BUSINESS**

19. **Commissioners' Comments**

##### **ADJOURN**

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

## **MINUTES:**

### **CONSENT AGENDA**

2. **LS-20464** - (Lot-Split) (CD-2), Location: North of the northwest corner of East 66<sup>th</sup> Place South and South Peoria Avenue
3. **LC-369** - (Lot-Combo) (CD-7), Location: Northwest corner of South 102<sup>nd</sup> East Avenue and East 49<sup>th</sup> Street South
4. **LC-370** - (Lot-Combo) (CD-6), Location: East of the northeast corner of East 59<sup>th</sup> Street South and South Mingo Road
5. **LS-20480** - (Lot-Split) (County), Location: Northeast corner of East 56<sup>th</sup> Street North and North Mingo Road
6. **LS-20481** - (Lot-Split) (County), Location: East of the northeast corner of South 125<sup>th</sup> East Avenue and East 132<sup>nd</sup> Street South
7. **Estates of Waterstone Extended – Final Plat**, Location: South of the southeast corner of South Louisville and East 111<sup>th</sup> Street South, (CD 8)

### **STAFF RECOMMENDATION:**

This plat consists of two lots in one block on 3.4 acres.

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

10. **AC-110 – Kevin Bledsoe/QuikTrip**, Location: Northeast corner of West 51<sup>st</sup> Street South and South Union Avenue, Requesting **Landscape Alternative Compliance** for a new QuikTrip store, **CS** (CD-2)

### **STAFF RECOMMENDATION:**

The applicant is requesting TMAPC approval of an alternative compliance landscape plan for a new QuikTrip Store to be located at the northeast corner of West 51<sup>st</sup> Street South and South Union Avenue.

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the Zoning Code in that some parking spaces located in front of the new store are not within 50 feet of a required landscaped area with a minimum area of 30 square feet (SF) and minimum length or width of three feet. This is typical of most QuikTrip locations, given the square nature of their lots combined with the rectangular shape of their stores and the need to have very

wide drive aisles on site due to the extremely high volume of vehicular trips generated daily.

Also, the plan does not meet the requirement that 15% of the Union Avenue street yard be landscaped. Referring to the attached plan the applicant proposes a larger landscaped area to be located at the northeast corner of the site.

The Zoning Code allows the Planning Commission to approve alternative compliance landscape plans that do not meet the technical requirements of Chapter 10 of the Zoning Code, so long as the submitted plan is "equivalent to or better than" the requirements of Chapter 10.

Referring to the case map aerial photograph, there currently is no landscaping provided along Union Avenue. Referring to the attached proposed plan, if the grassy area proposed along Union Avenue were counted in the street yard calculations the plan would meet the requirement. Without the grassed area in the Union Avenue right-of-way (ROW) the proposed landscaping along West 51<sup>st</sup> and Tacoma Avenue contains enough area that the Union landscaping is made up for. The submitted plan has a minimum of 15-foot wide landscape strips along West 51<sup>st</sup> Street and Tacoma Avenue as well as along the northeast corner of the site. These areas are proposed for a combined 37% of the street yards being landscaped.

In addition to exceeding the 15% street yard landscaping, the applicant is proposing to plant three extra trees in the street yards in exchange for the parking spaces located in front of the store not being within 50 feet of a required landscaped area.

Staff contends the applicant has met the requirement that the submitted landscape plan "be equivalent or better than" the technical requirements of Chapter 10 of the Zoning Code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-110.

12. **PUD-570-5 – Claude Neon Federal Signs/Todd Adair/Caimbrae Realty**,  
Location: North of the northwest corner of 111<sup>th</sup> Street South and South Memorial Drive, Requesting a **Minor Amendment** to increase the permitted display surface area for a ground sign from 125 square feet to 130 square feet, **CS** (CD-8)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to increase the permitted display surface area for a ground sign from 125 square feet (SF) to 130 square feet (SF). The increase would allow for the addition of a ten square foot tenant identification panel per Exhibits A and B.

PUD-570 allows the two lots that front Memorial Drive one ground sign each, not to exceed 25 feet in height nor 125 SF of display area. The sign on the subject property is currently 25 feet tall with 120 SF of display area.

The underlying zoning on the property is CS. With 227 lineal feet of frontage along Memorial Drive, the lot would be permitted up to 454 SF of display area for a ground sign if only one sign were constructed on the lot.

Please refer to the attached Exhibits C through F. These signs are all approved signs in the immediate vicinity of the subject tract and are located on the same side of Memorial Drive between the subject property and 111<sup>th</sup> Street South. Each of these signs is permitted to be larger than the subject sign. The signs were also constructed larger than the subject sign.

Staff contends that an increase of five square feet in display area for this sign will not substantially alter the size, location, number and character (type) of the signs within the PUD. Therefore recommends **APPROVAL** of minor amendment PUD-570-5.

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

Mr. Leighty stated that the following Items will be removed from the consent agenda: Items 8, 9, 11, 13 and 14.

Mr. Stirling in at 1:38 p.m.  
Mr. Midget in at 1:40 p.m.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the consent agenda Items 2 through 7, 10, and 12 per staff recommendation.

\* \* \* \* \*

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

8. **Change of Access – Lot 1, Block 1, Holliday Hills Center**, Location: West of northwest corner of East 61<sup>st</sup> Street South and South Yale Avenue, Lot 1, Block 1, Holliday Hills Center, (CD 9)

**STAFF RECOMMENDATION:**

The applicant has agreed to a continuance in order to meet and discuss this request.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **CONTINUE** the change of access for Lot 1, Block 1, Holliday Hills Center to December 21, 2011.

\* \* \* \* \*

**TMAPC COMMENTS:**

Ms. Cantrell stated that she is the one who requested that the following applications be pulled from the consent agenda. She explained that her concern is that none of these applications has any access from the sidewalk to the building itself and she would like to see that. Ms. Cantrell stated that she understands staff's concerns that these are older PUDs, but she believes that the PUD Chapter and Corridor Chapter require pedestrian circulation in the detailed site plans. Ms. Cantrell requested that the applicants give a few feet of sidewalk and paint to indicate where pedestrians are to walk to access the sidewalk itself.

Mr. Sansone stated that the Planning Commission is free to require whatever is that they want by conditioning an approval of the detail site plan. Staff's standpoint is to enforce what the PUD requires and PUD-516-C didn't have pedestrian access mentioned in the PUD. This PUD has been modified several times since the original approval and he agrees that the sidewalks are needed. Mr. Sansone stated that he doesn't know if it is as simple as stating that the requirements isn't in the PUD, but we are going to make you do it. Mr. Sansone further stated that he believes that the applicant has to agree to this requirement and if they don't then they would have to appeal their application. Mr. Sansone explained that Tulsa Hills PUD only required pedestrian access from the sidewalk to the fronts of buildings on lots that are 100 spaces or larger and the only two lots that have this are the two giant areas. Their intents were to have pedestrian access from the sidewalk at 400-foot intervals along Olympia to the front of the main strips. The subject site is parked in the 50 to 60 range and they have enough parking to eliminate two parking spaces for pedestrian access. Mr.

Sansone stated that he would be happy to tell everybody that they are going to connect the front of their building to the sidewalk, but he doesn't agree that it can be done after the fact because he believes it is an opening for them to say no, they don't really have to do it because it is not required and make an appeal. He believes each case should be addressed individually and see if the applicant is agreeable to do so. Mr. Sansone stated that moving forward from 2010, he will be looking for connection on everything that comes through. Ms. Cantrell stated that she understands Mr. Sansone's position, but as she recalls the Planning Commission started requiring sidewalks at detail site plans a long time ago when the PUDs didn't require it. The Planning Commission fell back on the fact that the actual ordinance itself does require it. She doesn't believe the Planning Commission is pulling something out of a hat. Mr. Sansone stated that he agrees with Ms. Cantrell and he remembers when sidewalks became an issue that staff fell back on the Subdivision Regulations and not the Zoning Code. A very large percentage of the new PUDs will have to be platted and sidewalks will be required. Mr. Sansone agreed that the Planning Commission has the authority to require sidewalks at detail site plan, but working with the applicants of older PUDs, he believes that there will be some resistance.

9. **PUD-516-C – Barrick Rosenbaum/101<sup>st</sup> & Yale Properties, LLC**, Location: East of the southeast corner of 101<sup>st</sup> Street South and South Yale Avenue, Requesting a **Detail Site Plan** for a two lot office park, **RS-4/OL/CS** (CD-8)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a two-lot office park. The proposed use, Use Unit 11 – Office, Studios and Support Services is a permitted use in PUD-516-C. The building on Lot 1 is proposed at two stories and 34-feet tall with a total of 7,000 square feet (SF) of office floor area, and Lot two is proposed for, four single-story office buildings totaling 11,341 sf.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. The south-facing windows on Lot 1 will be located near the ceiling line of the second floor in a manner that allows sunlight to enter the building but does not allow persons to look out.

Access to the site will be provided from two points along 101<sup>st</sup> Street. There is mutual access provided with the balance of the PUD to the west. There is a single, emergency only access point to the south as required by the City of Tulsa Fire Marshall. 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 is provided per PUD requirements and landscape chapters of the Zoning Code. Landscaping along the portion of the parking lot fronting 101<sup>st</sup> Street will be a minimum of three feet in height, or planted on a three-foot berm, to provide screening of headlights per PUD standards. All sight lighting including building mounted will be limited to 15 feet per PUD limitations for exterior lighting. Lighting will be directed down and away from adjoining

residential properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within any residential district. There is an existing eight-foot privacy fence on the south boundary of the site. A trash enclosure will be provided as required by the PUD. Sidewalks will be provided along 101<sup>st</sup> Street as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for Lots 1 and 2, Block 1 - 101 Yale Village Office Park RSB L19 & Prt 17 B1 101 Yale Village.

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

**Applicant's Comments:**

**Barrick Rosenbaum**, HRAOK, 1913 West Tacoma, Suite A, Broken Arrow, 74014, stated that he is surprised today and shocked in regard to timing. He has to make a decision today regarding the sidewalk connection, which he agrees with for anything in the future and new. Mr. Rosenbaum stated that he really doesn't have a choice to disagree because his client needs the approval to move forward with permits. He believes it is a little bit late in the game to be doing this, but he doesn't have a choice. Mr. Rosenbaum explained that he isn't being given an opportunity to discuss this with his client without delaying the process. Mr. Rosenbaum stated that he will accept it for now and move forward to permitting. Mr. Rosenbaum clarified that his client will provide the connection to the sidewalk.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the detail site plan for PUD-516-C per staff recommendation, subject to adding the requirement to connect the perimeter sidewalk into the sidewalks on the interior property for subject site.

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11. **Z-7008-SP-1 – Khoury Engineering/MedNow**, Location: South of the southeast corner of West 71<sup>st</sup> Street South and South Olympia Avenue, Requesting a **Corridor Detail Site Plan** for a 4,813 square foot medical office building, **CO** (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 4,813 square foot (SF) medical office building. The proposed use, medical office within Use Unit 11 – Office, Studios and Support 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 is provided per the applicable Use Unit of the Zoning Code. All site lighting is limited to 20 feet in height 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 Olympia Avenue and "Reserve L" as required by CO District Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 14, Block 2 – Tulsa Hills.

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

**Applicant's Comments:**

**Malek E. Elkhoury**, Khoury Engineering, P.O. Box 52231, 74152, stated that he can agree to install a connection from the access road to the public sidewalk directly into the subject building. Due to the significant grade change, he would be unable to connect from Olympia to the subject property. He can connect to the existing sidewalk to the access street.

**TMAPC Comments:**

Ms. Cantrell stated that would be great and thanked Mr. Elkhoury for his cooperation.

Mr. Leighty stated that he appreciates the applicant's cooperation and sorry for this coming up at such a late date. He believes that it is an important thing going forward.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the detail site plan for Z-7008-SP-1 per staff recommendation, subject to the connection from the access road to the public sidewalk directly into the subject building.

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13. **Z-7008-SP-4 – Vasquez Engineering/Discount Tires**, Location: North of northwest corner West 81<sup>st</sup> Street South and South Olympia Avenue, Requesting **Corridor Detail Site Plan** for a 6,941 square foot automobile tire store, **CO (CD-2)**

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 6,941 square foot automobile tire store. The proposed use, automobile service within Use Unit 17 – Automotive and Allied Activities, 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 is provided per the applicable Use Unit of the Zoning Code. All site lighting is limited to 35 feet in height and will be 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 Olympia Avenue as required by CO District Development Standards and Subdivision regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 10/Tract 10A, Block 1 – Tulsa Hills.

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

**Applicant's Comments:**

**Mark Capron**, Sack and Associates, 3530 East 31<sup>st</sup> Street, 74135, stated that there is a sidewalk connected to the public sidewalk on Olympia that goes around the north edge and around the building. The main part of the showroom of the subject building is on the north end and it keeps anyone from having to go through a parking lot. People who go to a tire place are probably going to drive in and then walk out. There is a connection in place and he asked that the detail site plan be accepted as submitted.

**TMAPC Comments:**

Ms. Cantrell stated that she doesn't have any problems with this since there is some connection in place.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the detail site plan for Z-7008-SP-4 per staff recommendation as submitted.

14. **PUD-783-A – Alan Betchan/AAB Engineering/QuikTrip**, Location: East of the northeast corner of West 71<sup>st</sup> Street South and US Highway 75, **Detail Site Plan** for a 5,720 square foot gasoline service station and convenience store, **CS/OL**, (CD-2)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a 5,720 square foot gasoline service station and convenience store. The proposed use, Use Unit 14 – Shopping Goods and Services, is a permitted use in PUD-783-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from West 71<sup>st</sup> Street and from two points from the Olympia Medical Park. Parking is provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Zoning Code. All sight lighting will be limited to 22 feet per PUD limitations for exterior lighting. Lighting will be directed down and away from in a manner that the light producing element and/or reflector is not visible to a person standing at ground level within any residential district. A trash enclosure will be provided as required by the PUD. Sidewalks will be provided along West 71<sup>st</sup> Street as required by PUD Development Standards and Subdivision Regulations. Distinct pedestrian access is provided from the sidewalk along West 71<sup>st</sup> Street, along the Olympia Medical Park access road through the west parking lot to the side entry to the building. Staff contends this is the best design for pedestrian access from West 71<sup>st</sup> Street to avoid pedestrian traffic through the gas pumping facilities where vehicular traffic will be the densest.

Staff recommends **APPROVAL** of the detail site plan for Development Area A of PUD-783-A.

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

Mr. Sansone stated that staff requested that this be pulled from the consent agenda to discuss the screening of the trash bins. The applicant presented a different type of gate for the trash bin enclosure. The enclosure would be screened with masonry walls all the way around with an aluminum frame for the gates that is wrapped with mesh. Staff didn't necessarily agree that mesh around a frame is traditional screening material. The applicant indicated that wood enclosure and/or metal enclosure doors can be burdensome in two ways. The wood doors break down much quicker from being slammed and thrown open. Metal doors tend to be very heavy and there have been several injuries with the metal doors due to the weight. QuikTrip has established a new gate prototype which decreases the weight of the gate and accomplishes the screening to 95%, not 100%. Staff is requesting the Planning Commission to make a determination of whether this type of gate is acceptable.

**TMAPC Comments:**

Mr. Midget asked if there is any way the mesh can be tighter in order to keep the view of trash less visible. In response, Mr. Sansone answered negatively. Mr. Midget stated that this is creative, easier and less cumbersome for employees. As Mr. Carnes would always say "...a wooden fence and gates look their best when they are first installed". If the applicant could make the mesh tighter or add another layer, he wouldn't have a problem with this type of screening.

Mr. Sansone stated that staff agrees with Mr. Midget, the intention was to head this off now and prevent Field Inspections from holding their certificate of occupancy permits.

**Applicant's Comments:**

**Allen Betchan, AAB Engineering**, P.O. Box 2136, Sand Springs, 74063, stated that from a practical standpoint he doesn't know how much additional opaqueness would be accomplished by adding a second layer of mesh or if it would be maintainable in that fashion. He has been told that this is 95% opaque and unless one is standing right in front of the enclosure it wouldn't be visible. This type has already been used in some of QuikTrip facilities that are not in PUDs. He is not sure the results the Planning Commission wants and the maintenance QuikTrip is looking for would be accomplished with two layers of mesh.

**TMAPC COMMENTS:**

Ms. Cantrell asked if the gates would keep creatures out. Mr. Betchan stated that it would not keep creatures out, but it would do just as well as any wood or metal door enclosure. There is room at the bottom on any gate enclosure for creatures to get under.

In response to Mr. Perkins, Mr. Betchan stated that the same type of gate is used at the Generation III stores. This will be used at all of QuikTrip stores and this is a new prototype for them. The material is designed for this purpose and has the ability withstand the sun.

Mr. Alberty informed the Planning Commission that they are this type of gate for this specific site plan only. If the Planning Commission wants to do some further investigation, then that could be determined at a later date.

Mr. Betchan stated that there is a specific product that is used and can be stipulated on this application. It would be the same material as shown in the picture by staff.

Mr. Alberty suggested that the motion specify that the material has to have 95% opaqueness.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the detail site plan for PUD-783-A per staff recommendation, subject to the mesh material will be at the minimum 95% opaque and similar material as the QuikTrip Generation III stores.

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**PUBLIC HEARING**

15. **BOA-21342 – Plat Waiver**, 5525 East 51<sup>st</sup> Street, Lot 1, Block 1, Parkland Addition (CD 5)

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a Board of Adjustment case for an adult day care center in an office light (OL) zone.

**Staff provides the following information from TAC at their November 17, 2011 meeting:**

**ZONING:**

TMAPC Staff: The property has been platted previously.

**STREETS:**

No comment.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORMWATER:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff recommends **Approval** of the plat waiver for the previously platted property.

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

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

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

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

**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, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **APPROVE** the plat waiver for BOA-21342 per staff recommendation.

\* \* \* \* \*

16. **Z-7186 – Richard Morgan/Aberdeen Dynamics**, Location: Northeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue, Requesting from **CS to IL**, (CD-6)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 15868 dated November 9, 1983, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-7132 July 2009:** All concurred in approval of a request for rezoning a 12± acre tract of land from RS-1/OL to IL for office/warehouse on property located west of South 177<sup>th</sup> East Ave and north and South of East Admiral Place and abutting west of subject property across South 177<sup>th</sup> East Avenue.

**BOA-20226 March 28, 2006 and BOA-20226-A July 26, 2011:** The Board of Adjustment approved a modification to a previously approved site plan to expand the existing facility, per plan, on property located at 17717 East Admiral Place *and is the subject property.*

**Z-6847 January 2002:** All concurred in approval of a request for rezoning a 2.04± acre tract of land from RS-1 to IL for commercial and industrial use on property located east of the northeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue and east of subject property.

**Z-6832 October 2001:** All concurred in approval of a request to rezone a 2.6± acre tract from RS-1 to IL for warehousing and light industrial use on property located east of northeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue and east of subject property.

**BOA-16551 January 11, 1994:** The Board of Adjustment approved a Special Exception to permit Use Unit 15 in a CS district and for an amended site plan

approval; per plan submitted finding that the business has been in operation at the current location for several years and has proved to be compatible with the area, on property located at 17717 East Admiral Place *and is the subject property.*

**Z-5854 November 1983:** All concurred in approval of a request for rezoning a tract of land from RS-1 to CS *on the subject property.*

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 5.77± acres in size and is located at the northeast corner of East Admiral Place and South 177<sup>th</sup> East Avenue. The property appears to be an office/warehouse and is zoned CS.

**SURROUNDING AREA:** The subject tract is abutted on the east by vacant land, zoned IL; on the north by large-lot single-family residential uses, zoned RS-25 in Catoosa; on the south by vacant and heavily wooded land, zoned CS; and on the west by a large-lot single-family residence, zoned RS-1.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan designates both Admiral Place and South 177<sup>th</sup> East Avenue as secondary arterials.

**STREETS:**

<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>
East Admiral Place	Secondary arterial	100'	2
South 177 <sup>th</sup> East Avenue	Secondary arterial	100'	2

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates this as a Neighborhood Center and as a Growth Center. It is surrounded by an Employment Center. According to the Plan, Neighborhood Centers are small-scale, one to three story mixed use areas intended to serve nearby neighborhoods with retail, dining and services. Areas designated as Growth Centers are seen as having future growth potential and the designation is to encourage investment (public and private) in the needed infrastructure improvements to support new growth and development. Under the provisions of the Comprehensive Plan, the requested rezoning **would not be in accord** with the Plan. However, the property has been used for the purposes in question and is surrounded to the east and west by IL-zoned properties. This area has been in transition to industrial and mixed uses for several decades and the Plan should have recognized that.

**STAFF RECOMMENDATION:**

Staff believes the Comprehensive Plan does not recognize the actual trends in this area and should be restudied here. This property has been used for Office and Industrial purposes. Industrial zoning is adjacent and the entire corridor is in mixed uses. Therefore, staff supports the requested IL zoning and recommends **APPROVAL** of the request for IL zoning on Z-7184.

**TMAPC COMMENTS:**

In response to Ms. Cantrell, Ms. Matthews stated that a neighborhood center would usually be commercial. Ms. Cantrell stated that there is nothing in the Comprehensive Plan that states that. Ms. Matthews stated that is the way staff has worked out a concordance table and industrial is typically not recognized as being in accord or compatible with commercial. Ms. Cantrell stated that her thought was that one could put commercial uses with industrial. Ms. Matthews stated that commercial could be put in with industrial, but could not put industrial in with commercial. Industrial is the highest use unit available.

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

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC COMMENTS:**

Ms. Cantrell stated that she personally wanted to point out that she doesn't believe that INCOG went with the Comprehensive Plan. She doesn't think it is just a matter of looking at a zoning matrix; the point of putting a neighborhood center here was to place services nearby so one wouldn't have to drive so far. She doesn't believe that IL is necessarily, in this circumstance, in conflict with the Comprehensive Plan since it is not near any sort of neighborhood. This was simply put here so if someone wanted to put a grocery store in to serve the neighborhood they can.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the IL zoning for Z-7186 per staff recommendation.

**Legal Description for Z-7186:**

Lot 1, Block 1, Hall Brothers Subdivision, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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17. **Z-7187 – Paul R. Brauer/Core Laboratories, LP**, Location: Northwest corner of North Mingo Road and East 46<sup>th</sup> Street North, Requesting from **RS-3/IL to IL**, (CD-3)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11803, dated June 26, 1970, and 13929, dated August 24, 1977, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-6621 March 1998:** All concurred in approval of a request for rezoning a 6.75± acre tract of land from AG to IL for a welding school, shop and dormitories for students, on property located south of southwest corner of East 49<sup>th</sup> Street North and North Mingo Road.

**Z-6596 July 1997:** All concurred in approval of a request for rezoning a 7.5± acre tract of land from RS-3 to IL for a bingo facility, on property located on the southwest corner of East 46<sup>th</sup> Street North and North Mingo Road and south of the subject property.

**Z-6375 December 1992:** All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located west of the northwest corner of North Mingo Road and East 46<sup>th</sup> Street North

**Z-5013 August 1977:** All concurred in approval of a request for rezoning a tract of land from RS-3 to IL on property located on the northwest corner of North Mingo Road and East 46<sup>th</sup> Street North and a part of the subject property.

**BOA-9729 November 3, 1977:** The Board of Adjustment approved a Variance of the setback from the centerline of Mingo Road from 100' to 85' and a Variance of the setback from an R district on the west property line from 75' to 70' and from the north property line from 75' to 45'; and a Special Exception to modify the screening requirement, on property located northwest corner of North Mingo Road and East 46<sup>th</sup> Street North and a part of the subject property.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately .58± acres in size and is located at the northwest corner of North Mingo Road and East 46<sup>th</sup> Street North. The property appears to be vacant and is zoned RS-3.

**SURROUNDING AREA:** The subject tract is abutted on the east by an industrial use, zoned IM; on the north by an industrial use, zoned IL; on the south by the former (now closed and reused) Mingo School, zoned IL; and on the west by vacant property, zoned IL.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan designates this as an Employment Area, which is meant to attract more jobs/industries/employees into the area. Tulsa International Airport is located nearby, as are many of the industries affiliated with it, so transportation to and from work could be a factor in an airport employee's or others employed in the aircraft industry's decision to locate here.

**STREETS:**

<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>
East 46 <sup>th</sup> Street North	Primary arterial	120'	4

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates much of the areas surrounding Tulsa International Airport as an Employment area, which typically contain office, warehousing, light manufacturing and high tech uses, and may have extensive commercial activity. They require access to major arterials or expressways and must be able to accommodate extensive truck traffic. The area is also designated as a Growth area. The proposed IL rezoning **is in accord with** the Comprehensive Plan.

**STAFF RECOMMENDATION:**

The proposed light industrial use seems to be compatible with adjacent and nearby uses and with the Comprehensive Plan. The existing residentially-zoned property is not compatible with either airport or industrial uses. Staff has spoken with the Tulsa International Airport staff and briefed the Airport Engineer regarding this request. The Airport Authority also has received formal notification of the application. To date, no one has expressed opposition (11-18-11). Therefore, staff recommends **APPROVAL** of IL zoning for Z-7187.

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

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the IL zoning for Z-7187 per staff recommendation.

**Legal Description for Z-7187:**

The south 129' of the east 195', less the south 30' thereof, Lot 1, Block 1, Mingo Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

18. **Z-7188 – Jared M. Burden**, Location: South of the southwest corner of East Pine Street and North Lewis Place, Requesting from **RS-3 to CS**, (CD-3)

**STAFF RECOMMENDATION:**

**ZONING ORDINANCE:** Ordinance number 11809 dated June 26, 1970, established zoning for the subject property.

**RELEVANT ZONING HISTORY:**

**Z-6669 February 1996:** All concurred in approval of a request for rezoning a 22,500± square foot tract of land from RM-2 to CS for commercial use on property located west of northwest corner of East Oklahoma Place and North Lewis Avenue.

**BOA-7153 September 16, 1971:** The Board of Adjustment approved a Variance to permit using a portion of a lot for outdoor storage of pipe to be used in conjunction with a retail plumbing and electric store, subject to the plot plan, on property located at 1447 North Lewis Avenue *and a part of the subject property*.

**BOA-2543 May 12, 1954:** The Board of Adjustment approved a Special Exception to permit off-street parking for the abutting grocery store with conditions, *on the subject property*.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately 19,687± square feet in size and is located south of the southwest corner of East Pine Street and North Lewis Place. The property is vacant (possibly recently cleared) and is zoned RS-3.

**SURROUNDING AREA:** The subject tract is abutted on the east by residential uses, zoned RS-3; on the north by a vacant (cleared) lot, zoned CS and farther north across Pine Street by a church, zoned CS; on the south by residential uses, zoned RS-3; on the west by a parking lot and across Lewis Avenue, by Walgreen's Drugstore, both zoned CS. Staff notes that the residential neighborhood to the east appears to be stable and well maintained. The area is part of the Springdale neighborhood.

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

**TRANSPORTATION VISION:**

The Comprehensive Plan does not designate North Lewis Place. It is a two-lane residential street.

**STREETS:**

<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>
North Lewis Place	N/A	N/A	2
North Lewis Avenue	Secondary arterial	100'	4

\*Staff notes that the previous (now cleared) uses accessed the structural facilities and parking lots that fronted on North Lewis Avenue from North Lewis Avenue. If that is planned for the future development the following standards apply. This should prevent non-residential traffic from accessing the uses from North Lewis Place.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The Comprehensive Plan designates this area as a Mixed Use Corridor, reflecting the varied uses that currently exist there and have for many years. The Plan also designates it as a Growth Area, which are "to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips". Development and/or redevelopment are generally viewed as beneficial, and a major goal is to increase economic activity here. The proposed Commercial uses would be **in accord with** the Comprehensive Plan. With the screening requirements of Commercial against R zoning the proposed CS on the east fronting and siding onto the existing residential areas on the south and east will be required to screen in order to minimize impact on the residential area.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, some surrounding uses and previous uses of the property, staff can support the requested rezoning and recommends **APPROVAL** of CS zoning for Z-7188. Staff also points out again that screening will be required on the east and south sides, as they are adjacent to R districts.

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

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to recommend **APPROVAL** of the CS zoning for Z-7188 per staff recommendation.

**Legal Description for Z-7188:**

Lots 4, 5 and 6, Block 2, Bellevue Heights, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

## **OTHER BUSINESS:**

### **Commissioners' Comments**

Mr. Leighty asked Mr. Liotta and Mr. Perkins to serve on the nominating committee and to meet with Ms. Cantrell (Chair) to come up with a slate for 2012 Officers.

Mr. Dix stated that Ms. Cantrell has made it known that she is not asking for reappointment in January and he takes exception to the fact that she is on the nominating committee. He would prefer that someone who is continuing to serve be on the committee.

Mr. Leighty stated that he tried to make this as balanced as possible and basically this is not really anything that is covered in the bylaws. This has been a tradition to pick two City-appointed Commissioners and one County-appointed Commissioner. Two will be returning and one person will not be returning. This is the Chair's prerogative to make appointments to committees as he sees fit. Mr. Leighty asked if there is any other discussion on this issue.

Mr. Midget stated that he can appreciate Mr. Dix's concern, but the appointment may or may not be made by January 18<sup>th</sup> and Ms. Cantrell would still serve and have the same rights and privileges as any other Commissioner. Mr. Midget stated that he personally doesn't have any problems with her serving on the nominating committee that will be making recommendations only.

Mr. Leighty stated that he appreciates Mr. Dix bringing this issue up, but in this particular case he believes the committee should remain as it stands.

Mr. Dix stated that if no other Commissioners have any issues with this, then he will withdraw his request.

\* \* \* \* \*

### **TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards "absent") to **ADJOURN** TMAPC meeting No. 2615.

There being no further business, the Chair declared the meeting adjourned at 2:19 p.m.

\*\*\*\*\*

Date Approved:

December 21, 2011

Bud Gogarty

Chairman

ATTEST:

[Signature]

Secretary