

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2407

Wednesday, March 23, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|----------------------------|-----------------------|----------------------|-----------------------|
| Ard | Ledford | Alberty | Boulden, Legal |
| Bayles, Chair | | Fernandez | |
| Carnes, 2 nd VC | | Huntsinger | |
| Dick | | Matthews | |
| Harmon, Secretary | | | |
| Hill, 1 st VC | | | |
| Horner | | | |
| Jackson | | | |
| Midget | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 18, 2005 at 10:55 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of February 2, 2005, Meeting No. 2402

On **MOTION** of **HILL** the TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the minutes of the meeting of February 2, 2005, Meeting No. 2402.

REPORTS:

Worksession Report:

Ms. Bayles reported that there would be a worksession immediately following today's TMAPC meeting.

Director's Report:

Mr. Alberty reported that staff transmitted the BOA Study, which was approved by the Planning Commission, to the City Council, and it was received and he would expect that there will some eventual discussion on implementation of some of the recommendations.

Mr. Alberty reported that there is one item on the City Council agenda this Thursday, March 24, 2005.

SUBDIVISIONS:

FINAL PLAT:

Audubon Village – (8323) (PD 18) (CD 8)

East 98th Street, west of Memorial

STAFF RECOMMENDATION:

This plat consists of 31 lots in three blocks on 12.28 acres.

All release letters have been received and staff recommends **APPROVAL** of the final plat.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the final plat for Audubon Village per staff recommendation.

House of Prayer – (9402) (PD 17) (CD 6)

North of the northwest corner of East 11th Street and Lynn Lane

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 4.6 acres.

All release letters have been received and staff recommends **APPROVAL** of the final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the final plat for House of Prayer per staff recommendation.

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PRELIMINARY PLAT:

Sequoyah Hill – (8333)

(PD 26) (CD 7)

East 116th Street South, East of Delaware

STAFF RECOMMENDATION:

This plat consists of 20 lots, two blocks, on 9.99 acres.

The following issues were discussed March 3, 2005 and March 17, 2005 at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RS-2/PUD 709. All the PUD conditions must be met. The plat was continued from the 3/3/05 meeting to further discuss the street systems for public and private streets and access for adjacent property owners.
2. **Streets:** An existing private roadway easement along the south property line should be shown. (This easement continues west of the southwest corner to Delaware and consists of an unimproved gravel drive.) The proposed plat is not consistent with the current PUD since it provides for a connection to the unimproved easement and the indirect access easement through Wind River has not been documented. Traffic Engineering objects to any significant use of such a tie from a continuous private street to the existing unimproved roadway easement. Any interest in a continuation of this east/west corridor to provide direct access to Delaware expressed by interested parties during the development process may result in a recommendation of an east/west private street to the existing unimproved roadway easement. Any interest in a continuation of this east/west corridor to provide direct access to Delaware

expressed by interested parties during the development process may result in a recommendation of an east/west public street stubbing to either the west or south. In lieu of the private street stub to the western boundary. Traffic recommends that part or all of the Reserve C adjacent to Lot 13 should be converted to a 20-foot private roadway easement. This office recommends including language to grant access to Reserve C for the owner of the tract to the east per the PUD. Provide a separate instrument or amend covenants granting access for both the tract to the east and the lot owners of Sequoyah Hill through Wind River. The excessive gate system allowing all residents of both Sequoyah and Wind River to access the private roadway easement is not consistent with the existing PUD and seems contrary to good planning principles. A proposed overlay of the unimproved easement would not adequately provide for the long term maintenance necessary for continual use by the residents of multiple private street subdivisions.

Access via South Oswego Avenue to south is restricted by Wind River covenants as of draft final plat 2/3/2005. Section 1.G, 4 and 5 do not apply under "private streets".

3. **Sewer:** Increase the 11-foot perimeter easements to 17.5 feet. The utility easement between Lots 6 and 7, Block 1 needs to be increased to allow room for a sanitary sewer extension to serve the unplatted property to the north. Size will need to be determined and approved by Development Services. Section 2 B mentions Reserve F. This needs to be described and put on the face of the plat if the reserve is necessary. In order to serve Lot 4, Block 1, continue the main from Lot 3 into the southeast corner of Lot 4. You can serve Lots 5 and 6 from the front of the lot. Please look at extending the sanitary sewer to the north to serve the unplatted property now rather than having it disturbed after Lots 6 and 7 have developed.
4. **Water:** Show existing utility easement across Lot 10 of Wind River. A water main extension may be required across the frontage of the property's south boundary line. Between Lots 7 and 8 check crossing of storm, sewer and water. Maximum depth for water is eight feet; a vertical separation between other utilities is two-foot minimum. Design fire hydrants' placements at a 350-foot radius to cover all lots with fire protection. Add mainline valves for fire hydrant isolation during line breaks. Explore ways of looping line. This addition is fed by a single feed which is the same feed for three other additions. Please explore ways to loop this line.
5. **Storm Drainage:** "South Tulsa Drainage Basin Tributary 'E' City of Tulsa Regulatory Floodplain" must be shown, by platting the 100-year water surface elevation (WSE), and labeled on the face of plat. The floodplain, plus an additional 20 feet for access (on both sides of the floodplain, if it is 150 feet or less in width) must be placed in a reserve with an overland drainage easement (ODE), which must be shown and labeled on the face of plat; and floodplain map revisions will be required. If the floodplain is being

changed, then show both the existing and proposed on the face of the preliminary plat. In the covenants, I G 4 and 5 do not belong in Section I G. They appear to be part of the standard language for Overland Drainage Easements. The reserve area, overland drainage easement and standard language need to be added to the covenants. It is undesirable to place lots and streets in the floodplain reserve.

6. **Utilities:** Okay.
7. **Other: Fire:** Okay per conditions recommended by TAC. Add standard language to include specific paragraph for each easement type.

The consulting engineer made a presentation describing the current conditions for the street system.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.
2. The covenants must reference the existing access easement and details about its removal and use.

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's Comments:

Ricky Jones, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, Oklahoma 74105, stated that he believes the preliminary plat is consistent with the approved PUD. He indicated that he is in agreement with all of the staff recommendations.

Mr. Jones explained how Wind River will have a stub-street, which will loop into Sequoyah Hill and that is how the access will be derived. The next phase is Scissortail at Wind River and the loop street will tie into and be taken to Delaware. TAC was concerned about a single-family property owner's access. There is a private mutual access easement from Riverside and that is how the single-family property owner accesses her property. It is a private driveway that is not dedicated to the public. The owners have negotiated with this property owner and she will now gain her access through Wind River, up to Sequoyah and then turn into her property to the east. When Scissortail is developed, the need for the easement will go away and the property will be platted. The single-family landowner is in agreement with redirecting the way she accesses her property from the driveway off of Delaware. She will now access her property through Wind River.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Jones if Traffic Engineering approved this. In response, Mr. Jones answered affirmatively.

Mr. Jones stated that the driveway would remain opened and would provide an emergency crash gate and the secondary access point of emergency vehicles.

Mr. Boulden stated that he doesn't recall seeing the easement language to Delaware.

Mr. Jones stated that TAC requested several documents and he provided staff a copy and the Legal Department a copy. Mr. Jones indicated that he would send another copy to the Legal Department if they have not located their copy.

Mr. Jones stated that there are three documents and his attorneys have reviewed the documents and they are comfortable with the agreement with the single-family property owner.

Mr. Boulden asked Mr. Jones if the easement would disappear when Wind River is built. In response, Mr. Jones stated that the easement, by necessity goes away. When Scissortail is developed and the property to the north develops then they would plat over it. Mr. Jones concluded that the property owner will surrender her rights for that easement to the new land owner.

Mr. Boulden stated that since he hasn't seen the documents he would advise the Planning Commission that if they take action it would be pending Legal review.

Ms. Bayles stated that she has some reservations about supporting this without some degree of documentation. In response, Mr. Jones stated that if he hadn't been able to work this out with the single-family property owner, then he wouldn't have been able to bring the final plat through the Planning Commission. He further stated that at the TAC meeting he advised staff that he would bring documentation that the single-family property owner is in agreement with this plan. He suggested that the Planning Commission approve the preliminary plat with the condition that that an agreement will be submitted prior to the final plat being approved.

Mr. Midget stated that he would feel comfortable voting for this preliminary plat since the Planning Commission would still be in the position to hold the final plat. Legal is fine with action being taken, with the condition that Legal will review documents before the final plat.

Mrs. Fernandez stated that staff and TAC have had several meetings with the applicant for this plat and staff is comfortable recommending approval based upon the Traffic Engineer's comments and a written statement from the property owner as to her willingness to comply with these conditions and Legal's approval of the document concerning the mutual access easement.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Bayles, Dick, Carnes, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ledford "absent") to recommend **APPROVAL** of the preliminary plat for Sequoyah Hill, subject to special conditions and standard conditions per staff recommendation, subject to Traffic Engineer's revised comments and a written statement from the property owner as to her willingness to comply with these conditions and Legal's approval of the document concerning the mutual access easement.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-146-1 **MINOR AMENDMENT**

Applicant: Robert Ratliff (PD-18) (CD-8)

Location: 3527 East 71st Place

TMAPC COMMENTS:

Ms. Bayles stated that she has received a letter from Virginia Ratcliff requesting a continuance to April 6th, 2005 in order to obtain a boundary survey.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ledford "absent") to **CONTINUE** the minor amendment for PUD-146-1 to April 6, 2005.

OTHER BUSINESS:

Application No.: PUD-600-A **DETAIL SITE PLAN**

Applicant: Roger Reid/Viking Buildings (PD-18) (CD-8)

Location: 9216 South Toledo

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a two-story, 5,190 square foot general office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with development standards.

The site covers three lots, with the building located on Lots 9 and 10, and parking and landscaping extending into Lot 8. Calculations for compliance with building floor area, landscaped area, street yard and parking are based on the combined three lots. A lot tie agreement will be necessary among Lots 8, 9 and 10 to assure continued compliance with development standards and zoning code requirements.

The "future building" on the west end of the parking area is not included in this review. However, based on available parking and for future reference, this building can be no larger than 3,750 (1/250) square feet if it is medical office space, or 4,500 square feet (1/300) square feet if it is general office space.

A dumpster is shown in the utility easement over a sewer line. The dumpster must be either removed or relocated outside easements and must not obstruct required parking. No parking lot lighting is proposed.

An amendment to the Plat and Deed of Dedication of "Ashton Creek Office Park" has removed the obligation between property owners to provide a non-exclusive mutual access easement, therefore, none is shown and none is necessary.

Staff recommends **APPROVAL** of **PUD 600-A Detail Site Plan** contingent upon removal or relocation of the dumpster in compliance with development standards and the zoning code; and filing of a lot tie agreement between Lots 8, 9 and 10.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the detail site plan for PUD-600-A, subject to removal or relocation of the dumpster in compliance with development standards and the zoning code; and filing of a lot tie agreement between Lots 8, 9 and 10 per staff recommendation.

Application No.: PUD-600-A

DETAIL SITE PLAN

Applicant: David Rogers

(PD-18b) (CD-8)

Location: 9224 South Toledo

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a two-story, 4,106 square foot medical office building. The proposed use, Use Unit #11, Offices, Studios and Support Services, is in conformance with development standards.

The site plan complies with maximum floor area and building height restrictions and meets minimum landscaped area, street yard and building setback requirements. Proposed parking meets minimum zoning requirements and design standards.

The dumpster located in the drainage easement must receive written approval from Public Works, or be either removed or relocated outside easements without obstructing required parking. No parking lot lighting is proposed.

An amendment to the Plat and Deed of Dedication of "Ashton Creek Office Park" has removed the obligation between property owners to provide a non-exclusive mutual access easement, therefore, none is shown and none is necessary.

Staff recommends **APPROVAL** of **PUD 600-A, Lots 2 & 3, Block 4 Detail Site Plan** contingent upon written approval of public works for the dumpster location , or removal or relocation of the dumpster in compliance with development standards and the zoning code.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HILL**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the detail site plan for PUD-600-A, subject to written approval of public works for the dumpster location, or removal or relocation of the dumpster in compliance with development standards and the zoning code per staff recommendation.

Application No.: PUD-575

DETAIL SITE PLAN

Applicant: Sack & Associates, Inc. (PD-18) (CD-7)

Location: One half mile south of the southeast corner of 71st and Mingo

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a multifamily apartment complex. The proposed use, Use Unit #8, Multifamily Dwelling and Similar Uses, is in conformance with development standards.

The site plan proposes 20.6 dwelling units per acre, under the maximum 30 per acre permitted, and provides in excess of the minimum livability space per dwelling unit required. The three-story complex complies with maximum building height permitted and building setbacks are in conformance with development standards per minor amendment PUD 575-2. No buildings are located within the regulatory floodplain and proposed covered parking is located outside utility easements and in conformance with setbacks per bulk and area requirements for RM-2 districts. Off-street parking complies with the zoning code and design standards. Parking lot lighting is proposed; however, a lighting plan has not yet been submitted.

The project is served by two thirty-five foot wide access drives onto South Mingo Road in accordance with the approved Preliminary Plat. Each of these drives will be gated and will require approval of Traffic Engineering and the Fire Marshall. Because the development standards require that "principal access to all development in the PUD shall be from a corridor collector street", access (drive cut on south property line) to this future collector must be provided or a minor amendment approved.

Staff recommends **APPROVAL** of PUD 575 Detail Site Plan contingent upon approval of a detail lighting plan in compliance with PUD development standards and the zoning code; approval of Traffic Engineering and the Fire Marshall for gated entries; and access (drive cut on the south property line) provided to the future collector, or a Minor Amendment for relief from this requirement.

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

TMAPC COMMENTS:

Mr. Midget asked staff to clarify the conditions. Ms. Matthews read the conditions for approval.

The applicant indicated his agreement with staff's recommendation.

Ms. Bayles asked Mr. Sack to speak to the question regarding the access or a minor amendment.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that the subject property is part of a PUD and to the south is an additional piece of property. The additional piece of property will have a collector street from Mingo into Tallgrass Addition. The apartment complex has a right of access across the unplatted piece of the PUD down to the collector street. The location is not determined at this time and will not until the property to the south is developed. At that time there will be a mutual access that will grant the apartment complex access down to the collector street. Traffic Engineering has looked at the gated entrance and they are in agreement with that.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Dick, Harmon, Hill, Horner, Jackson, Midget "aye"; no "nays"; none "abstaining"; Ledford "absent") to **APPROVE** the detail site plan for PUD-575, subject to approval of a detail lighting plan in compliance with PUD development standards and the zoning code; approval of Traffic Engineering and the Fire Marshall for gated entries; and access (drive cut on the south property line) provided to the future collector, or a Minor Amendment for relief from this requirement per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 1:55 p.m.

Date Approved:

5/18/05

Stacey M. Bayles

Chairman

ATTEST:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, written over a horizontal line.

Secretary