

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2498

Wednesday, November 28, 2007, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Cantees	Alberty	Boulden, Legal
Cantrell	Harmon	Fernandez	
Carnes	Miller	Huntsinger	
Marshall	Sparks	Matthews	
McArtor		Sansone	
Midget			
Shivel			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, November 26, 2007 at 4:15 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 Ard, called the meeting to order at 1:36 p.m.

REPORTS:

Comprehensive Plan Report:

Ms. Cantrell reported that the Steering Committee has their final meeting and made their recommendation to Mayor Taylor. Mayor Taylor accepted the recommendation and negotiations will begin for the consultant's contract.

Mr. Midget in at 1:37

Director's Report:

Mr. Alberty reported on the TMAPC receipts and indicated that the receipts are up over 45% from last month. The receipts are 56% over last year's reporting. This will make the receipts close to the same as last year.

Mr. Alberty reported on the BOCC and City Council agendas. Mr. Alberty reported that he has received notice from the attorney representing the trucking

company for County rezoning Case CZ-388 that they intend to withdraw their application on December 5, 2007.

Mr. Alberty reported that Jenny Bledsoe will be retiring effective January 1, 2008. A staff person will be promoted into this position and INCOG will be advertising for a Lot-Split and Subdivision Assistant position.

Mr. Midget out at 1:39

Minutes:

Approval of the minutes of October 17, 2007 Meeting No. 2495

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget, Miller, Sparks "absent") to **APPROVE** the minutes of the meeting of October 17, 2007, Meeting No. 2495.

Approval of the minutes of October 24, 2007 Meeting No. 2496

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget, Miller, Sparks "absent") to **APPROVE** the minutes of the meeting of October 24, 2007, Meeting No. 2496.

Approval of the minutes of November 7, 2007 Meeting No. 2497

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget, Miller, Sparks "absent") to **APPROVE** the minutes of the meeting of November 7, 2007, Meeting No. 2497.

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.

Riverview Park Estates – (8329)/Final Plat (PD 26) (CD 8)

South of the southeast corner of East 101st Street South and Delaware Avenue

STAFF RECOMMENDATION:

This plat consists of 67 lots in three blocks on 21 acres.

All release letters have been received and staff recommends **APPROVAL**.

FedEx Westmoreland – (0420)/Final Plat

(PD 16) (CD 6)

Northwest corner of East Apache Street and 129th East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 15.6 acres.

All release letters have been received and staff recommends **APPROVAL**.

Change of Access – (1894)

(PD 17) (CD 5)

Lot 1 and Lot 2, Block 1, Tiffany Park Addition, West of South Garnett Road, South of East 21st Street

STAFF RECOMMENDATION:

This application is made to allow a change of access along South Garnett Road. The property is zoned CS.

The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

PUD-693-2 – Tanner Consulting, LLC

(PD-18) (CD-8)

West of Yale on 91st Street (north side) (Minor Amendment to reduce the required setback along the east boundary.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to the PUD for the purpose of reducing the required setback along the east boundary of the PUD for Development Area A, Lot 2, Block 1 – Southern Woods Park III from the PUD requirement of ten feet, to nine feet. The property most impacted by a permitted reduction in setback is Reserve Area A - Southern Woods, immediately adjacent to the east. There are no adjacent streets or required landscaped areas and no intervening buildings.

Since the request is for a reduction in setback of one-foot abutting an undeveloped reserve area, staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-693-2 as proposed.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget, Miller, Sparks "absent") to **APPROVE** the consent agenda Items 2, 3, 4, 5 and 5.a. per staff recommendation.

Mr. Ard announced that there are several items that are being withdrawn or continued:

Application No.: Z-7079/PUD-748

RS-3 to RM-1/PUD

Applicant: Storage Station of Tulsa

(PD-5) (CD-5)

Location: West of southwest corner of Memorial and East 31st Street

STAFF RECOMMENDATION:

Applicant has requested a continuance to December 19, 2007. The applicant is asking for more time to workout some details.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel, "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget, Miller, Sparks "absent") to **CONTINUE** Z-7079/PUD-748 to December 19, 2007.

L-20142 – Joe Devasher (8309)/Lot-Split

(PD 18) (CD 8)

7230 Sleepy Hollow Drive

STAFF RECOMMENDATION:

Applicant has withdrawn this application.

WITHDRAWN.

PUBLIC HEARING

Application No.: PUD-370-B

DETAIL SITE PLAN

LANDSCAPE PLAN

Applicant: DeShazo, Tang & Assoc.

(PD-26) (CD-8)

Location: 8010 South 106th Street

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for proposed restaurant and retail uses in PUD 370-B – Avalon Park on Memorial. The proposed uses for Lots 21 and 22, Use Units 12 and 14 are in conformance with Development Standards of PUD-370-B. The building is being proposed for construction over the common interior lot line of Lots 21 and 22 which would require a lot-combination.

The proposed site plan meets building floor area, parking, building height and setback requirements. Access to and within the site is provided from two access points from East 106th Street. The site meets landscape requirements per development standards and the Zoning Code and a landscaped buffer is provided along the north and east boundary in conformance with development standards. Proposed site lighting complies with development standards and the Zoning Code per application of the Kennebunkport Formula, with the exception that free-standing light poles exceed the allowable 15' height limit per PUD development standards.

Revisions of the height of light elements and a lot-combination are required.

Based on the aforementioned, staff recommends **APPROVAL** of detail site and landscape plans for Lots 21 and 22, PUD-370-B - Avalon Park on Memorial subject receipt of revisions of lighting detail as depicted in the "Kennebunkport Method of Calculation Detail" and "Lighting Fixture Elevations" per applicant's sheet number "site 3 of 1" and a lot-combination of Lots 21 and 22.

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

Mr. Sansone stated that he has received the revised plans and the applicant has received their lot-combination, which was approved July 31, 2007. The owner of the property neglected to file the lot-combination and is in the process of filing. The revised height elements now show the correct height of 15 feet.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget, Miller, Sparks "absent") to **APPROVE** the detail site plan and landscape plan for PUD-370-B for Lots 21 and 22 subject receipt of revisions of lighting detail as depicted in the "Kennebunkport Method of Calculation Detail" and "Lighting Fixture Elevations" per applicant's sheet number "site 3 of 1" and a lot-combination of Lots 21 and 22 per staff recommendation.

* * * * *

Application No.: PUD-651

**DETAIL SITE PLAN
LANDSCAPE PLAN**

Applicant: Tanner Consulting, LLC

(PD-18b) (CD-2)

Location: Northwest corner of East 81st Street South and South Harvard Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for PUD 651 – Walnut Creek Office Park. The proposed use for Development Area A, Use Unit 11, 12, 13, or 14 (excluding liquor stores, pawn shops and gasoline sales), and Development Area B, Use Units 11 Office, Studio and Support Services are in conformance with Development Standards of PUD-651.

The proposed site plan meets building floor area, height and setback requirements. Access to and within the site is provided from two access points from 81st Street as required and mutual access easements. Proposed sight lighting complies with development standards and the zoning code per application of the Kennebunkport Formula. The site meets landscape requirements per development standards and the zoning code, and a landscaped buffer and screening fence are provided along the south and west boundary in conformance with development standards.

Therefore, staff recommends **APPROVAL** of detail site and landscape plans for PUD 651 - Walnut Creek Office Park subject to the following minor revisions to the detail plans submitted: add sidewalks along north boundary of PUD/along 81st Street South; within Development Area B "site data" per applicants plan, change "building height within remainder of Development Area A" to "building

height within remainder of Development Area B”; change “the east, south and west boundary of south 125’ of Development Area B” to “the south and west boundary of south 125’ of Development Area B”; label building elevations to reflect development area and building number; graphically represent the correct number of trees in the street yard as depicted in “landscape requirements detail” on plan; and revise landscape plan to show five-foot landscape buffer to be located outside paved area.

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

Mr. Sansone explained that the conditions are minor cosmetic changes to the plan and the applicant does have the five-foot landscape buffer outside of the paved area.

There were no interested parties wishing to speak.

Applicant’s Comments:

Ricky Jones, Tanner Consulting, LLC, 5323 South Lewis Avenue, 74105, stated that he has already resubmitted the changes to staff.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none “abstaining”; Cantees, Harmon, Midget, Miller, Sparks "absent") to **APPROVE** the detail site plan and landscape plans for PUD-651 subject to the following minor revisions to the detail plans submitted: add sidewalks along north boundary of PUD/along 81st Street South; within Development Area B “site data” per applicants plan, change “building height within remainder of Development Area A” to “building height within remainder of Development Area B”; change “the east, south and west boundaries of south 125’ of Development Area B” to “the south and west boundary of south 125’ of Development Area B”; label building elevations to reflect development area and building number; graphically represent the correct number of trees in the street yard as depicted in “landscape requirements detail” on plan; and revise landscape plan to show five-foot landscape buffer to be located outside paved area, per staff recommendation.

Moran Foundation Square – (0329)/Preliminary Plat

(PD 3) (CD 3)

Southwest corner of east Apache and Harvard Avenue
(continued from November 7, 2007)

STAFF RECOMMENDATION:

This plat consists of 6 Lots, 1 Block, on 28.53 acres.

The following issues were discussed October 18, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PK and IM. BOA case # 20601 was heard on November 13, 2007 and approved for the uses proposed with conditions to include sidewalks on Harvard Avenue. Make sure Limits of No Access are shown.
2. **Streets:** Sidewalks may be required along the mutual access easement. Recommend a mutual access easement between Lots 1 and 2 along Harvard. In Section IF please use the correct arterial names. Recommend two outbound exit lanes for Lot 5's center access. Include standard language for a mutual access easement in covenants.
3. **Sewer:** Provide a minimum 15-foot wide sanitary sewer easement for the proposed sanitary sewer line in Lot 5.
4. **Water:** Show a 15-foot restricted water line easement for all proposed water main lines on-site. A water main line extension will be needed to provide water services and hydrant coverage. Use tees, sleeves and valves for connection tie-ends. Take a look at how Lot 2 will be served. Move water lines away from buildings to opposite sides of parking lots.
5. **Storm Drainage:** Show and label the "East Tributary to Flat Rock Creek Tributary A City of Tulsa Regulatory Floodplain." Include both the existing and the proposed floodplains, if the existing is going to be changed, The existing floodplain crosses the northwest corner of Lot 5 and bisects Lot 4 from south to north. It appears that the intent is to construct a 100-year improved channel, immediately west of the platted area, in a 50-foot easement, to contain and convey the drainage overland. This "...easement by separate instrument" should be an overland drainage easement. If it is not the intention of the designer to change the floodplain in this way, then an overland drainage easement in a reserve will have to be in place of Lots 4 and 5 for the existing floodplain. Please label the "stormwater detention facility" as such, and place it in a Reserve. Section IH of the Covenants is storm sewer easements. Please show and label these on the face of plat, and include a symbol in the legend. Add standard language for overland

drainage easement in a reserve and stormwater detention facility maintenance in a reserve. If there are no storm sewer easements, then please remove Section IH. The majority of the drainage from Lots 5 and 6 drain to Harvard Avenue, and thence into a northeast tributary to Coal Creek. This drainage must be detained in a separate stormwater detention facility.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.

7. **Other: Fire:** No comment.

GIS: Label the point of commencement (POC) and the point of beginning (POB). Correct the inconsistencies of the bearings and distances between the face of the plat and the metes and bounds description of the property in the covenants.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget, Miller, Sparks "absent") to **APPROVE** the preliminary plat for Moran Foundation Square, subject to special conditions and standard conditions per staff recommendation.

OTHER BUSINESS:

Application No.: AC-083

REFUND REQUEST

Applicant: Tanner Consulting, LLC

STAFF RECOMMENDATION:

Staff is recommending a full refund of \$150.00. This application was necessary and the applicant should receive a full refund.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Harmon, Midget, Miller, Sparks "absent") to **APPROVE** the refund of \$150.00 for AC-083 per staff recommendation.

Vacation of Easements – Southern Woods Park III

North of East 91st Street South, West of South Yale Avenue

STAFF RECOMMENDATION:

Mrs. Fernandez stated that this is a request that staff finds somewhat unusual. Typically, the Planning Commission has not heard vacations of easements. This was requested by a local attorney to put this on the agenda and for the Planning Commission to approve it. This is a conservative attorney who would like the Planning Commission's approval on this item and she believes that City Council will approve this in the event that it moved forward.

Mrs. Fernandez explained that there is a process through Public Works for this type of requests and usually the Planning Commission doesn't see this request. There is a 30-day notice requirement to the utility companies, franchises, etc. There is a process and fee and then once everyone signs off, the easement would be vacated. States' statutes dictate a process for this request including the 30-day notice. At this time staff can't recommend that the Planning Commission act on this request. Staff does not feel comfortable asking the Planning Commission to approve something that doesn't have all of the information available.

TMAPC COMMENTS:

Mr. Ard asked if this is outside the bounds of the Planning Commission's purview. In response, Mr. Boulden stated that the statute only refers to the consent of the vacation of a plat with the consent of 50% of the owners and the City. The attorney representing his client doesn't want to create any title issues and prefers running this through the Planning Commission.

After a lengthy discussion the Planning Commission determined that they could not make a recommendation without a staff recommendation and all of the information necessary to make a decision.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

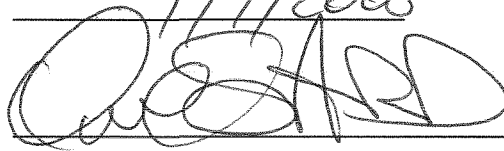
On **MOTION** of **MCARTOR**, TMAPC voted **6-0-0** (Ard, Cantrell, Carnes, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Midget, Miller, Sparks "absent") to **CONTINUE** vacation of easements for Southern Woods Park III to December 5, 2007 and requested that the applicant attend the meeting to explain their request.

Commissioners' Comments

Mr. Ard reminded the Planning Commission that there will be a planning seminar in Norman, Oklahoma this coming Friday and Saturday. He encouraged the Planning Commissioners to attend.

There being no further business, the Chair declared the meeting adjourned at 2:06 p.m.

Date Approved:

11/9/2008


Chairman

ATTEST: Mickelle Cantrell

Secretary

