

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2627

Wednesday, June 6, 2012, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	Carnes	Alberty	Swiney, Legal
Dix	Edwards	Bates	Steele, Sr. Eng.
Leighty	Shivel	Fernandez	Warlick, COT
Liotta	Walker	Huntsinger	Warrick, COT
Midget		Matthews	
Perkins		Wilkerson	
Stirling			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 31, 2012 at 2:24 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, 1st Vice Chair Perkins called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas. Mr. Alberty further reported that the TMAPC Receipts for the month of April 2012 have slightly slowed down from this time last year.

Minutes:

Approval of the minutes of May 16, 2012 Meeting No. 2626

On **MOTION** of **MIDGET** the TMAPC voted 7-0-0 (Covey, Dix, Leighty, Liotta, Midget, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, Walker "absent") to **APPROVE** the minutes of the meeting of May 16, 2012, Meeting No. 2626.

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. **LC-406** (Lot-Combination) (County), Location: West of the Northwest corner of West 161st Street and South 105th West Avenue
3. **LC-407** (Lot-Combination) (CD 3), Location: Northwest corner of East 46th Street North and North Mingo Road
4. **LS-20523** (Lot-Split) (CD 8), Location: North of the Northwest corner of East 88th Street South and South Louisville Avenue (Related to LC-408)
5. **LC-408** (Lot-Combination) (CD 8), Location: Northwest corner of East 88th Street South and South Louisville Avenue (Related to LS-20523)
6. **LS-20524** (Lot-Split) (CD 9), Location: North of the intersection of East 48th Place South and South Zunis Avenue (Related to LC-409 and LC-410)
7. **LC-409** (Lot-Combination) (CD 9), Location: North of the intersection of East 48th Place South and South Zunis Avenue (Related to LS-20524)
8. **LC-410** (Lot-Combination) (CD 9), Location: North of the intersection of East 48th Place South and South Zunis Avenue (Related to LS-20524)
9. **All Commerce Business Park – Final Plat**, Location: East of southeast corner of South 145th East Avenue and East Admiral Place (CD 6)
10. **Z-7008-SP-1 – HRAOK/Alan Hall/Kum-N-Go**, Location: Northwest corner of West 81st Street South and South Olympia Avenue, Requesting **Corridor Detail Site Plan** for a new convenience goods and services store, **CO**, (CD-2)
11. **PUD-370-B – Joe Kelley/Well Quest**, Location: Northwest of the intersection of East 106th Street South at South Memorial Drive, Requesting **Detail Site Plan** for a medical office, medical supply store and health food store in a single multi-use building, **OL/CS**, (CD-8)
12. **PUD-600-A-8 – W Design/Weldon Bowman**, Location: South and west of the intersection of East 91st Street South and South Yale Avenue, Requesting **Minor Amendment** to allow for shared parking between the new owners of Lot 8 and the owners of the combined Lots 9 and 10, **OL/PUD**, (CD-8) (Related to Item 13)

- 13. **PUD-600-A – W Design/Weldon Bowman**, Location: South and west of the intersection of East 91st Street South and South Yale Avenue, Requesting **Revised Detail Site Plan** for a reduction in the required parking spaces, **OL/PUD-600-A**, (CD-8) (Related to Item 12)
- 14. **PUD-582-7 – Roy Johnsen/Kay Ramsey Trust**, Location: North and west of the intersection of East 66th Place South and South Birmingham, Requesting Minor Amendment to allow for a reduction in a rear yard setback adjoining Birmingham Avenue, **RS-3/PUD-582-7**, (CD-2)
- 14.a***The Shoppes on Peoria –** Final Plat, Location: Northeast corner of North Peoria Avenue and East Reading Street, (CD-1)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

FORM-BASED CODE REGULATING PLAN PUBLIC HEARING:

- 15. **Public Hearing to consider adopting a Form-Based Code Regulating Plan for the Pearl District within the City of Tulsa, Oklahoma.**
(Continued from 4/4/12)

PUBLIC HEARINGS:

- 16. **Pine & 141st Substation –** Minor Subdivision Plat, Location: 13198 East Pine Street, west of southwest corner of East Pine Street and North 145th East Avenue (0433) (CD 3)
- 17. **The Vineyard –** Preliminary Plat, Location: North of the northwest corner of East 111th Street South and South Memorial Drive (8326) (CD 8)
- 18. **PUD-793 – Roy D. Johnsen/Sunset Hills at Trinity Creek**, Location: West of the southwest of East 41st Street and South 177th East Avenue, Requesting a **PUD** for a large lot single-family residential subdivision with three car garages, **RS-4/PUD**, (CD-6)

OTHER BUSINESS

- 19. **Commissioners' Comments**

ADJOURN

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

MINUTES:

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

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9. **All Commerce Business Park – Final Plat**, Location: East of southeast corner of South 145th East Avenue and East Admiral Place (CD 6)
10. **Z-7008-SP-1 – HRAOK/Alan Hall/Kum-N-Go**, Location: Northwest corner of West 81st Street South and South Olympia Avenue, Requesting **Corridor Detail Site Plan** for a new convenience goods and services store, **CO**, (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new Convenience Goods and Services Store (Kum-N-Go). The proposed use, Convenience Goods and Services (Use Unit 13) is a permissible use within this Corridor District.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per the Landscape Chapter of the Zoning Code. All site lighting is below the 35-foot

height limitation 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 West 81st Street and South Olympia as required by CO District Development Standards and Subdivision regulations.

Therefore, staff recommends **APPROVAL** of the detail site plan for Z-7008-SP-1.

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

11. **PUD-370-B – Joe Kelley/Well Quest**, Location: Northwest of the intersection of East 106th Street South at South Memorial Drive, Requesting **Detail Site Plan** for a medical office, medical supply store and health food store in a single multi-use building, **OL/CS**, (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a medical office, medical supply store and health food store in a single multi-use building. The proposed use, Use Unit 11 is a permitted use in PUD-370-B.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Vehicular access to the site will be provided from East 106th Street South, which is a private street. Parking will be provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. Landscaping will be provided per the PUD and Landscape Chapters of the Zoning Code. All site 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 said residential district. A trash enclosure will be provided as required by the PUD. Sidewalks will be provided along East 106th Street as required by PUD Development Standards and Subdivision Regulations.

A link for pedestrian access to an existing sidewalk or accessible ramp on South Memorial Drive will be required. This sidewalk will require offsite sidewalk installation from the east lot line along East 106th Street to the existing pedestrian access points. All of this sidewalk will be placed in Reserve Area “D” and the Memorial Drive right-of-way. Distinct pedestrian access is provided from the sidewalk along 106th Street along sidewalks provided to the building in at least three locations.

Staff recommends **APPROVAL** of the detail site plan for PUD-370-B with the condition that the additional sidewalk construction will be installed prior to building occupancy.

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

12. **PUD-600-A-8 – W Design/Weldon Bowman**, Location: South and west of the intersection of East 91st Street South and South Yale Avenue, Requesting **Minor Amendment** to allow for shared parking between the new owners of Lot 8 and the owners of the combined Lots 9 and 10, **OL/PUD**, (CD-8) (Related to Item 13)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow for shared parking between the new owners of Lot 8 and the owners of the combined Lots 9 and 10. The property owners have requested a reduction in the overall parking count from the required 30 spaces to 28 spaces, which is only two spaces; however, it saves significantly more pavement than the two spaces reflected because of shared access to Toledo Ave.

This minor amendment also includes the mutual access and parking agreement between all property owners and has been included for record purposes.

Generally the Comprehensive Plan for the City of Tulsa recognizes the need to allow for shared parking, thereby reducing the overall pavement surface area requirements in Tulsa. This particular request is a good example for adjacent property owners to choose their needs, provide common vehicular access points and develop higher density than may be allowed by current Zoning Code guidelines. This minor amendment is a small but important example of how property owners and INCOG can help meet the goals and objectives of the Comprehensive Plan as defined in the proposed strategies outlined in page 40 of the Tulsa Comprehensive Plan.

In an effort to enable property owners to provide innovative parking solutions staff supports this minor amendment to the PUD which is allowed in the PUD section of the current Zoning Code.

Therefore, staff recommends **APPROVAL** of the minor amendment PUD-600-A-8.

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

13. **PUD-600-A – W Design/Weldon Bowman**, Location: South and west of the intersection of East 91st Street South and South Yale Avenue, Requesting **Revised Detail Site Plan** for a reduction in the required parking spaces, **OL/PUD-600-A**, (CD-8) (Related to Item 12)

STAFF RECOMMENDATION:

The applicant has also requested approval of a revised detail site plan for a reduction in the required parking spaces. As part of that process a minor revision to the detailed site plan has been prepared to document the mutual access and shared parking agreement between Lots 8 and Lots 9/10.

In conjunction with the shared parking and access agreement and the minor amendment for reduction of parking on Lots 8, 9 and 10, the submitted existing site concept plan meets all applicable building floor area, open space, building height and setback limitations as defined in the Planned Unit Development. Vehicular access to the site will be provided from South Toledo Avenue through Lot 8 as allowed by the mutual access and parking agreement. Parking will be provided per the applicable Use Unit of the Zoning Code except as amended by amendment to PUD-600-A-8. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. Landscaping will be provided per the PUD and Landscape Chapters of the Zoning Code. All site lighting will meet the 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 said residential district. A trash enclosure will be provided as required by the PUD; however, Lots 8 and Lots 9/10 will share a common existing trash enclosure.

Staff recommends **APPROVAL** of the revised detail site plan for PUD-600-A.

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

14. **PUD-582-7 – Roy Johnsen/Kay Ramsey Trust**, Location: North and west of the intersection of East 66th Place South and South Birmingham, Requesting Minor Amendment to allow for a reduction in a rear yard setback adjoining Birmingham Avenue, **RS-3/PUD-582-7**, (CD-2)

STAFF RECOMMENDATION:

Balmoral Addition is a private gated community adjacent to the south property line of Southern Hills Country Club. The applicant is requesting a minor amendment to allow for a reduction in the rear yard setback adjoining Birmingham Avenue. Birmingham is a dead-end two-lane street contained in a 60-foot right-of-way which ends at the south property line of Southern Hills Country Club approximately 100 feet from the north line of this lot. A masonry privacy wall was constructed along Birmingham with the original development of the project.

The original PUD requires a 45-foot setback from the centerline of Birmingham Avenue right-of-way. The proposed minor amendment requests a reduction of 5 feet to 40 feet from the centerline of the right-of-way.

The privacy wall separates the street from the lot and staff does not believe a proposed five-foot reduction in the building setback line will substantially alter the character of the development or the surrounding neighborhood.

Therefore, staff recommends **APPROVAL** of the minor amendment PUD-600-A-8.

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

14.a***The Shoppes on Peoria** – Final Plat, Location: Northeast corner of North Peoria Avenue and East Reading Street, (CD-1)

STAFF RECOMMENDATION:

This plat consists of three lots in one block on 3.07 Acres.

Staff has received all the necessary release letters, ownership papers and the oil well certificate for this plat. Staff recommends **APPROVAL** of the final plat.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, Walker "absent") to **APPROVE** the consent agenda Items 2 through 14.a. per staff recommendation.

FORM-BASED CODE REGULATING PLAN PUBLIC HEARING

**15. Public Hearing to consider adopting a Form-Based Code Regulating Plan for the Pearl District within the City of Tulsa, Oklahoma.
(Continued from 4/4/12)**

STAFF RECOMMENDATION:

**Proposed Form-Based Code Regulating Plan
June 6, 2012**

The Planning Commission on April 4, 2012 held the first public hearing on the proposed Regulating Plan for the balance of the Pearl District. At the conclusion of the meeting, after hearing from 24 interested parties, a work session was scheduled for May 16, 2012 and the public hearing was continued until June 6, 2012.

The staff presented several options to consider at the work session and those were:

- Approve the proposed Regulating Plan as presented.
- Modify the proposed Regulating Plan.
- Amend the area boundaries of the proposed Regulating Plan.
- Deny the proposed Regulating Plan in the present form.

At the work session Mr. Jamieson presented a PowerPoint presentation on behalf of the Pearl District Design Team, explaining their reasons for supporting the proposed Regulating Plan. Other speakers present voiced issues in support or opposition to the proposed Regulating Plan. City Attorney, Bob Edmiston rendered a verbal opinion that adoption of Form-Based Codes, insofar as re-regulated land retains reasonable use and economic value, i.e., the capacity to be developed by private owners, would not constitute a regulatory taking.

It appeared to the staff that the Commissions' sentiment expressed at the work session was as follows:

- A consensus of support for the Form-Based Code in principle.
- A consensus that the proposed Regulating Plan seemed un-approvable in the present form.
- A consensus that the boundaries for the Regulating Plan were not correct.
- A consensus that staff should continue to engage and gather feedback from all Pearl District property owners.

At the conclusion of the work session, the Commission requested staff analysis and recommendation on the following:

- Staff prepares a recommended Regulating Plan that is consistent with the approved policy document, The 6th Street Infill Plan.
- A finding and recommendation that considers potential development, financing, and insurance problems created by nonconformities.
- A finding and recommendation that considers the strengths and weaknesses of an optional Code.
- A finding and recommendation that considers the potential issues and benefits of a transition period from the existing Code to Form-Based Code.

Staff suggested that information would be provided on June 6, 2012 enabling the Commission to render a decision on the proposed Regulating Plan.

INCOG and City staff are preparing a revised Regulating Plan and recommendations regarding nonconformities, optional code, and transition periods. In order to brief Pearl District property owners on these recommended changes and allow ample time for public scrutiny and feedback prior to the next public hearing, staff recommends a continuance to complete the following:

1. To hold two public information meetings to present a revised Regulating Plan for public comment.
 - a. The meetings to be noticed on the TMAPC and City's websites and mailed notices to those interested parties who appeared at the April 4 and June 6, 2012 public hearings.
 - b. Dates for the public informational meetings could be as early as Tuesday, June 12th and Monday, June 18th. Meetings to be held at the Centennial Park meeting rooms.
2. Continue the TMAPC public hearing of June 6th to July 11th meeting to consider the revised Regulating Plan and address all issues raised concerning the implementation of the Plan.

TMAPC COMMENTS:

Mr. Covey stated that he understands that it is being recommended to continue this item, but there are people present to speak and he feels that they should be allowed to speak at this time.

Mr. Perkins stated that there is one person signed up to speak.

Mr. Leighty stated that the TMAPC just had this discussion last week and it was decided that it would be inappropriate to have any speakers if it were to be continued. The Planning Commission needs to be consistent about that.

Mr. Midget agreed that the Planning Commission did decide that there wouldn't be any speakers.

Mr. Perkins asked Mr. Alberty to present the staff comments.

Mr. Alberty stated that the Planning Commission has had time to review the staff comments. The staff comments are from the Planning Commission staff and the City of Tulsa Planning Department. Everyone understands that the Planning Commission would like to see an amended or modified plan and staff is proposing that staff and the City of Tulsa Planning staff get together and come up with a Regulating Plan that reflects the approved policy document and then take it back to the Pearl District owners and stakeholders for input; then hold two more informational meetings before the public hearing. After discussion Mr. Alberty suggested that there be one meeting in June and one meeting in July for the informational meetings and have the continued public hearing in August. This would give staff plenty of time to prepare a Regulating Plan, present it to the community and then return to the Planning Commission.

Mr. Covey asked Mr. Alberty if he is proposing to bring back an amended Regulating Plan. Mr. Alberty answered affirmatively. Mr. Covey asked if the Planning Commission has to take a vote on the Plan before the Planning Commission before that happens. Mr. Alberty stated that he wouldn't think so. Mr. Alberty further stated that staff would need a vote to proceed to the next step and give some indication of any information or direction that the Planning Commission would like.

Mr. Dix stated that he has prepared some comments about the Regulating Plan and would it be appropriate or inappropriate to propose those today. Mr. Alberty stated that now is the time for comments to be made on the proposed Regulating Plan. Staff needs the direction from the Planning Commission of what they are looking for prior to the public hearing.

Mr. Covey stated that he too has some comments.

Mr. Leighty stated that he would like to clarify this, because if the Planning Commission is going to have a public hearing today, then the people who have signed up to speak should be allowed to speak. If the item is to be continued, than the Planning Commission should really vote on the continuance in order to be consistent with what has been done most recently. If the Commissioners have comments they could forward them on to staff at their own convenience and staff could take them into consideration. Mr. Leighty concluded that he doesn't believe the Planning Commission should be conducting any business on this if there is a request from staff to continue this item.

Mr. Midget stated that if there are going to be any instructions to staff on how to proceed in terms of the next step, he would rather have a discussion as a Planning Commission as opposed to one individual giving staff instructions. One Planning Commissioner's instructions could be different from another one's. If it is informational and instructional, then it needs to be stated today. The merits of FBC should not be done today.

Mr. Covey stated that if one goes back to the first public hearing, which was before he was a Planning Commissioner, public hearing was held and at the end a vote was taken to continue. He doesn't know what is different today. Mr. Covey commented that he doesn't know why people that are present today to speak couldn't speak, then have discussion and move to continue the hearing if the Planning Commission chooses to do so.

Mr. Perkins asked Ms. Warrick if she is in agreement with the INCOG staff recommendation regarding the steps and continuances.

Dawn Warrick, Director of City Planning and Economic Development, stated that the City Planning staff does feel that there is work to be done on the Regulating Plan in order to bring it more into conformance with the 6th Street Infill Plan,

which is the policy that it is meant to reflect. The City Planning staff did communicate with the TMAPC staff on the comments that were presented today. Ms. Warrick indicated that she is comfortable with proceeding in this fashion.

Mr. Perkins stated that possibly there should be another work session to allow the Planning Commission to give a unified direction to staff.

INTERESTED PARTIES COMMENTS:

Herbert Fennel, 9411 North Memorial, Owasso, Oklahoma 74055, stated that he owns the spotless carwash on 433 South Utica and has been there 25 years. Mr. Fennel indicated that he has remodeled the subject property several times. Mr. Fennel stated that he is 83 years old and it is time for him to sell the property and retire. He further stated when he discusses this with anyone they back off when they find that it is located in the Pearl District. There are a lot of small businesses in the subject area and the Form-Based Code Regulating Plan will influence those small businesses. They will have to pack up and leave eventually and they will move to Broken Arrow, Owasso or Sapulpa. Small businesses are important to the City, especially after the big companies left. Mr. Fennel stated that over the years he has put over \$750,000.00 dollars in the car wash. Utica is nothing but cars and businesses rely on the cars and the whole area has improved in the last few years. The businesses along 3rd Street have redone their buildings and have cleared some houses.

Mr. Perkins asked Mr. Fennel if he is for or against the new plan. In response, Mr. Fennel stated that he wants more information. It should stay on 6th Street to see if it will work, but he doesn't believe it should be over the entire area (360 acres).

After a lengthy discussion it was determined to continue the public hearing to August 1, 2012 and to hold another work session on June 20th, 2012.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, Walker "absent") to **CONTINUE** the Public Hearing to consider adopting a Form-Based Code Regulating Plan for the Pearl District within the City of Tulsa, Oklahoma to August 1, 2012 at 1:30 p.m.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, Walker "absent") to **APPROVE** the TMAPC holding an additional work session on June 20, 2012 to discuss the Form-Based Code Regulating Plan for the Pearl District.

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PUBLIC HEARING

16. **Pine & 141st Substation** – Minor Subdivision Plat, Location: 13198 East Pine Street, west of southwest corner of East Pine Street and North 145th East Avenue (0433) (CD 3)

STAFF RECOMMENDATION:

Mrs. Fernandez stated that there is a request to continue this application.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, Walker "absent") to **CONTINUE** the minor subdivision plat for Pine & 141st Substation to June 20, 2012.

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17. **The Vineyard** – Preliminary Plat, Location: North of the northwest corner of East 111th Street South and South Memorial Drive (8326) (CD 8)

STAFF RECOMMENDATION:

This plat consists of ten lots, five blocks, three reserves, on 34 acres.

The following issues were discussed May 17, 2012, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD-619-C. All PUD requirements must be shown in the covenants.
2. **Streets:** Show street names for Reserves B and C on the face of plat. Is the existing 45.8-foot easement along Reserve B going to be vacated?
3. **Sewer: Use standard language for Section 1-1.2.** The City of Tulsa will have a right to do much more than just repair existing facilities within the easement, and we do not pay for encroachments into the easement for those activities. On the conceptual plan Lot 1, Block 3 does not have access to a sanitary sewer main. The sewer atlas shows a line extending to the lot. Which one is correct? Please note that the existing sewer line serving Lot 1, Block 3 does not have sufficient capacity to handle the added flow from the proposed hotel. Any development of this lot as a hotel will require an upgrade to the existing sanitary sewer system before development can be approved.

4. **Water:** No comments.
5. **Storm Drainage:** The "Wetlands Mitigation Area" should be labeled as such, and placed in a separate reserve area (Reserve D). Use the Tulsa Standard language for "Compensatory Storage Easement in Reserve---" for the "Wetlands Mitigation in Reserve Area ----". Replace Compensatory Storage Easement in Reserve--- with Wetlands Mitigation in Reserve---. Also use the standard language for "Overland Drainage Easement in Reserve---".
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary.
7. **Other: Fire:** If the building on the west half of Lot 2 is fully equipped with an automatic fire sprinkler system the fire hydrant layout is adequate. If the building is not sprinkled additional fire hydrants will be required on the west side of the building to satisfy the 400-foot fire hydrant distance requirement.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

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

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, Walker "absent") to **APPROVE** the preliminary plat for The Vineyard per staff recommendation, subject to special conditions and standard conditions.

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18. **PUD-793 – Roy D. Johnsen/Sunset Hills at Trinity Creek**, Location:
West of the southwest of East 41st Street and South 177th East Avenue,
Requesting a **PUD** for a large lot single-family residential subdivision with
three car garages, **RS-4/PUD**, (CD-6)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 22290 dated August 27, 2010,
established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7156 August 2010: All concurred in approval of a request for rezoning an 82±
acre tract of land from RS-3 to RS-4 on property located West of southwest of
East 41st Street and South 177th East Avenue and is the subject property.

Z-7075 December 2007: All concurred in approval of a request for rezoning a
122± acre tract of land from AG to RS-3 on the east 80± acres and RS-4 on the
northwest 40 acres, on property located west of the southwest corner of East
41st Street and South 177th East Avenue and is the subject property.

Z-7048 March 2007: All concurred in approval of a request for rezoning a 46.7±
acre tract of land from AG to RS-4 for single-family development on property
located south of southwest corner of East 41st Street South and South 177th
East Avenue.

PUD-779 November 2010: All concurred in approval of a proposed Planned Unit
Development on a 57± acre tract of land for residential development, on property
located south of southwest corner of East 41st Street South and South 177th
East Avenue and abutting east of subject property.

BOA-21102-A October 12, 2010: The Board of Adjustment approved a Variance
of the maximum amount of required front yard permitted to be covered with an
all-weather surface parking area in the RS-3 district from 34% to permit 28 ft.
wide driveways in front of three (3) bay garages, with conditions that specifically
emphasized this approval is limited to those residences containing three-bay
garages. It is also specifically emphasized there shall remain a minimum of 4,000
square feet livability space per lot throughout the addition regardless of lot size.
This is on property located at south of the southwest corner of East 41st Street
and South 177th East Avenue and abutting east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 82± acres in size and is
located west and south of the southwest corner of East 41st Street South and
South 177th East Avenue. The property appears to be vacant and is zoned RS-4.
The site is gently sloping from a highpoint which is located in the north half of the
site. The site slopes in all directions from that point to a low point on the
southwest corner and another low point near the northeast corner. The south

west portion of the project is covered by a FEMA floodplain. The northeast corner of the site is not in a flood plain however a significant drainage system will affect the arrangement of the proposed single-family residential project. An overhead electrical transmission line and easement follows the west property line on the subject property.

SURROUNDING AREA: The subject tract is abutted on the north by AG zoned property on the north side of East 41st Street South; on the east by Oxford Court, a single-family residential subdivision with an underlying zoning which is RS-3 with a PUD overlay (PUD 779); on the south (all in the City of Broken Arrow) by Oxford Park II, Oxford Park and Trinity Creek all three single-family residential subdivisions, zoned RS-3; and on the west by AG on the south half and RS-4 on the north half.

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

TRANSPORTATION VISION:

The Transportation Chapter of the City of Tulsa Comprehensive Plan identifies East 41st Street, west of 177th East Avenue as a future Multi-Modal Corridor. Multi-Modal Corridors are identified on page 15 of the Transportation Chapter as “emphasizing plenty of travel choices such as pedestrian, bicycle and transit use. Multi-modal streets are normally located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity”. Pedestrian access and bicycle traffic access should be encouraged through this project to encourage full use of this future multi-modal corridor.

177th East Avenue is not identified in the Comprehensive Plan; however, it is identified as a secondary arterial by the Major Street and Highway Plan which remains effective under the Tulsa Comprehensive Plan.

STREETS:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 41st Street	Multi-modal street/secondary arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The City of Tulsa Comprehensive Plan identifies this area as an Area of Growth and a New Neighborhood Area. Staff finds that the proposed single-family use outlined in PUD-793 is in accord with the development objectives as outlined in the Plan.

STAFF RECOMMENDATION:

Concept Statement:

This site was originally planned for development as a small-lot single-family residential subdivision. In response to market demand and in recognition of the success of the nearby Trinity Creek subdivision, the property owner (the developer of Trinity Creek) now plans to configure larger lots. The larger lots are being designed to accommodate three car garages and homes with a maximum height of 40'. This PUD is sought to permit a driveway of sufficient width to access a three car garage which results in paving within the required front yard that exceeds the limitations of Section 1303D of the Zoning Code. Additionally the PUD is sought to increase the allowable height of the structures.

Within this PUD the applicant has increased the minimum lot size from 5500 square feet to 6900 square feet and increased frontage from the RS-4 minimum lot width of 50 feet to 60 feet. The applicant has also increased the allowable driveway width to 27 feet, which will increase the maximum coverage allowed in RS-4 from 36% to approximately 46%. The applicant has chosen to limit the physical pavement area rather than use a percentage calculation. With this PUD the applicant has limited the pavement area in the required street yard to 550 square feet. As a result, when the lots are larger the actual amount of pavement cannot be increased. The conceptual plan shows lots that are consistently larger than 60 feet wide. This property has significant green space because of storm water detention and floodplain areas on the north and south portions of the site. An additional large recreation area and green space will be provided on the west side of the property. As a result of the significant green space the livability space requirements of the underlying RS-4 zoning pattern will not be reduced.

The Staff recommends **APPROVAL** of PUD-793 subject to the following conditions:

- 1) The applicant's Outline Development Plan shall be made a condition of approval unless modified herein.
- 2) **Development Standards for Development Area "A"** (All land area outside reserve areas shown on conceptual site plan)
 - a. Permitted Uses Single-family residences and customary accessory uses.
 - b. Minimum Lot Size: 6900 SF
 - i. All lots shall have a minimum 60' frontage at the front lot line except in a cul-de-sac or knuckle style lot.
 - ii. Cul-de-sac or knuckle lots shall be a minimum of 60' wide measured along the arc at the building setback line. Show arc lengths of this style lot on the face of the plat.

- c. Maximum area of Off-Street Parking within Required Front Yard:
 - i. The maximum area of off-street parking within the required front yard shall be 550 SF.
 - d. Maximum Dwelling Height: 40 FT from finished floor to ridge line of roof.
 - e. Other Bulk and Area Requirements: As set forth within an RS-4 District
- 3) **Development Standards for Development Area “B”** (All reserve areas as shown on the conceptual plan)
- a. Permitted Uses: Open space as managed by a homeowners association for subdivision amenities including identification, recreation, including but not limited to pool, clubhouse playground and stormwater detention.

TMAPC COMMENTS:

Mr. Leighty asked about the connectivity to the adjoining properties. In response, Mr. Walker stated that there are existing stub streets from the south and east of the detention facility. Anything farther to the west is inaccessible because of the floodplain and drainage issues. Mr. Wilkerson pointed out the existing stub streets and connections. Mr. Wilkerson stated that there is connectivity within the adjacent subdivision and continuing east. Mr. Leighty asked if there should be a connection on the north side. Mr. Wilkerson stated that there has been some discussion about that, but as it stands right now the client believes that there is plenty of connectivity on the east side. Mr. Leighty stated that the Planning Commission can discuss this during the platting process and he will be supporting connectivity.

Applicant's Comments:

Roy Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, reiterated the connectivity for the proposed project. Mr. Johnsen commented that the subject proposal has good connectivity.

TMAPC COMMENTS:

Mr. Leighty stated that it would probably be only one lot taken out to make the connectivity to the north and east side. Mr. Johnsen stated that when one is dealing with single-family, one usually doesn't want commercial properties coming in and out of the subdivision. The property to the north and to the east will probably be commercial. That is what the plan calls for and it has already been zoned. Neighborhoods do not want to encourage commercial traffic to come through. Mr. Johnsen stated that he would prefer to resist and see how it goes. This proposal was reviewed by Mark Brown, City of Tulsa Traffic Engineer, and he was satisfied with the connectivity.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, Walker "absent") to recommend **APPROVAL** of PUD-793 per staff recommendation.

Legal Description for PUD-793:

A TRACT OF LAND THAT IS THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4, NE/4) AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4, NE/4) AND THE WEST TWO (2) ACRES OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: Beginning at the Northwest corner of the Northeast Quarter (NE/4) of said Section 26; Thence N 88° 40' 55" E, along the North line of said Northeast Quarter (NE/4), a distance of 1323.34 feet, to the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW/4, NE/4) of said Section 26; Thence continuing N 88° 40' 55" E, along the North line of said Northeast Quarter (NE/4), a distance of 66.17 feet, to the Northeast corner of the West Two (2) acres of the Northeast Quarter of the Northeast Quarter (NE/4, NE/4); Thence S 01° 18' 59" E, along the East Line of said West Two (2) acres, a distance of 1317.43 feet to the Southeast corner of said West Two (2) acres; Thence S 88° 41' 35" W, along the South Line of said West Two (2) acres, a distance of 66.18 feet to the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW/4, NE/4); Thence S 01° 18' 57" E, along the East Line of the Southwest Quarter of the Northeast Quarter (SW/4, NE/4), a distance of 1317.42 feet to the Southeast corner of said Southwest Quarter of the Northeast Quarter (SW/4, NE/4); Thence S 88° 42' 14" W, along the South Line of said Southwest Quarter of the Northeast Quarter (SW/4, NE/4), a distance of 1324.00 feet to the Southwest corner of said Southwest Quarter of the Northeast Quarter (SW/4, NE/4); Thence N 01° 18' 04" W, along the West Line of the Northeast Quarter (NE/4), a distance of 2634.34 feet to the Northwest corner of said Northeast Quarter (NE/4), and the Point of Beginning. SAID TRACT CONTAINS 3,574,475.60 SQUARE FEET / 82.06 ACRES.

* * * * *

OTHER BUSINESS:

Commissioners' Comments

Mr. Liotta read the following statement: "A recent news article, I believe, unfairly criticized the competence and training of the individual members of this Commission. When such criticism has merit you act on it, but when you see something significantly unfair, I believe you should speak up and I am in a unique position to do so today. I certainly don't exclude myself from such criticism; most of these Commissioners have figured out that I'm usually just trying to keep up, but, in the past three years I have served here, I've come to greatly respect and rely on the broad knowledge and over 200 years of real-world experience, combined both in the Commission and in INCOG staff. I don't always agree with them, but I listen. These Commissioners spend hours every other week in deliberation, in work sessions, and in discussions of new methods and ideas, all of which is training. These Commissioners try very hard to make consistent, fair and reasonable decisions. They apply the recommendations of staff based in statutes, ordinances and zoning, to the realities of the property in question, and consider the impact on the lives of the neighboring citizens with the rights of the property owner in the thousands of votes they make, usually unanimously. And that's not easy. Further, this is not a City Commission, or a County Board. This is an independent recommending body, created in State Statute, as a cooperative between the City and the County. That independence helps to avoid the possibility of this Commission becoming a political puppet of either the City or the County, and I believe that arrangement serves all the citizens of the City and the County well." Mr. Liotta thanked Mr. Perkins for the opportunity to speak.

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TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Leighty, Liotta, Midget, Perkins, Stirling "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, Walker "absent") to **ADJOURN** TMAPC meeting No. 2627.

There being no further business, the Chair declared the meeting adjourned at 2:10 p.m.

Date Approved:

July 11, 2012

John A. Hill

Chairman

ATTEST:

[Signature]

Secretary