

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2652

Wednesday, June, 19, 2013, 1:30 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey	Carnes	Bates	Duke, COT
Dix		Fernandez	Tohlen, COT
Edwards		Huntsinger	VanValkenburgh, Legal
Leighty		Miller	
Liotta		White	
Midget		Wilkerson	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 13, 2013 at 4:04 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 Walker called the meeting to order at 1:30 p.m.

### **REPORTS:**

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

Ms. Miller reported on the TMAPC Receipts for the month of May 2013.

Ms. Miller reported on the BOCC and City Council agendas. Ms. Miller further reported on items for future TMAPC work sessions.

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Mr. Dix out at 1:34 p.m.

**Minutes:**

**Approval of the minutes of June 5, 2013 Meeting No. 2651**

On **MOTION** of **SHIVEL** the TMAPC voted 6-0-1 (Covey, Edwards, Liotta, Midget, Shivel, Stirling “aye”; no “nays”; Walker “abstaining”; Carnes, Dix, Leighty, Perkins “absent”) to **APPROVE** the minutes of the meeting of June, 5, 2013, Meeting No. 2651.

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

Mr. Perkins in at 1:35 p.m.

**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.

1. **LS-20604** (Lot-Split) (County) – Location: West of the southwest corner of East 126<sup>th</sup> Street North and North Garnett Road (Related to: LC-489)
2. **LC-489** (Lot-Combination) (County) – Location: South and east of East 126<sup>th</sup> Street North and North Mingo Road (Related to: LS-20604)
3. **LS-20608** (Lot-Split) (CD-2) – Location: North of the northwest corner of East 71<sup>st</sup> Street South and South Olympia Avenue (Related to: PUD-648-A-6)
4. **LS-20613** (Lot-Split) (County) – Location: East of the northeast corner of 191<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue
5. **LC-499** (Lot-Combination) (CD-5) – Location: Northwest corner of East 13<sup>th</sup> Street South and South Fulton Avenue
6. **LC-500** (Lot-Combination) (CD-5) – Location: Southwest corner of East 41<sup>st</sup> Street South and South Hudson Avenue
7. **LC-501** (Lot-Combination) (CD-9) – Location: Northeast corner of East 32<sup>nd</sup> Street South and South Harvard Avenue
8. **LS-20616** (Lot-Split) (CD-3) - Location: West of the southwest corner of East 46<sup>th</sup> Street North and North Mingo Road (Related to: LC-502)

9. **LC-502** (Lot-Combination) (CD-3) – Location: West of the northwest corner of East 44<sup>th</sup> Street North and North Mingo Road (Related to: LS-20616)
10. **LS-20617** (Lot-Split) (CD-2) – Location: West of the northwest corner of West 52<sup>nd</sup> Place South and South 37<sup>th</sup> West Avenue (Related to: LC-504)
11. **LC-504** (Lot-Combination) (CD-2) - Location: West of the northwest corner of West 52<sup>nd</sup> Place South and South 37<sup>th</sup> West Avenue (Related to: LS-20617)
12. **LS-20618** (Lot-Split) (County) – Location: West of the northwest corner of 211<sup>th</sup> Street South and South Harvard Avenue (Related to LC-503)
13. **LC-503** (Lot-Combination) (County) – Location: West of the northwest corner of 211<sup>th</sup> Street South and South Harvard Avenue (Related to LS-20618)
14. **PUD-648-A-6 – Roy D. Johnsen**, Location: West side of South Olympia Avenue, north of West 71<sup>st</sup> Street South, Requesting a **Minor Amendment** to allocate the floor area and reduce building setbacks, **CO/PUD-648-A**, (CD-2)

**STAFF RECOMMENDATION:**

**Concept Statement:**

Lot-2, Block-1 has previously been divided and informally called Lot 2A and Lot 2. The amendment application supports the division of Lot-2A into two parcels which are herein identified as Lot 2A-1 (2.903 acres) and Lot 2A-2 (1.83 acres). The minor amendment allocates the total floor area and modifies the interior building setback.

**Minor Amendment Summary:**

1. Maximum Floor Area allocation (Lot 2-A floor area maximum is 124,000 square feet)
  - a. Lot 2A-1      69,000 square feet
  - b. Lot 2A-2      55,000 square feet
2. Interior Building Setback\*
  - a. Lot 2A-1      10 feet from north and south boundaries
  - b. Lot 2A-2      5 feet from the south boundaries of lot 2A-2

\*remaining building setbacks are defined in PUD-648-A.

Staff Recommendation:

The amendment request to allocate the floor area defined in the PUD Chapter of the Zoning Code as related to lot-splits is allowed as minor amendment in Sections 1107.H.9 and 10 of the Tulsa Zoning Code.

The amendment request to modify building setbacks is permitted in the PUD Chapter of the Zoning Code as defined in Section 1107.H.9 “provided the approved PUD standards and the character of the development are not substantially altered”.

Staff supports the allocation of the floor area calculated as a prorated share of the allowable floor area for the remaining lots.

Staff also supports the reduction of the building setbacks because it does not substantially alter the character of the development as defined in the original PUD.

Therefore staff recommends **APPROVAL** of the minor amendments outlined in the minor amendment summary above.

15. **PUD-432-D-7 – A-Max Sign Company, Inc./Lori Worthington**, Location: East side of South Utica Avenue and south of East 21<sup>st</sup> Street South, Requesting a **Minor Amendment** to increase the display surface area for wall signs, **RM-2/PUD-432-D**, (CD-4)

**STAFF RECOMMENDATION:**

Concept Statement:

The applicant is clarifying and amending to the allowed display surface area for wall signage on the north building in PUD-432-D-7

Minor Amendment Summary:

Modify wall signage from previous approvals as follows.

1. Increase display surface area from 40 square feet to 66.75 square feet on the north wall of the north building to be placed as shown in concept on the attached exhibit.
2. Eliminate the previously approved 71 square feet of display surface area on the west wall of the north building and add 66.75 feet to the south facing walls of the north building matching the concept shown on the attached exhibit.

Staff Summary:

Several previous minor amendments for signs have been granted for this area and are summarized below:

Original PUD-432-D only allowed two wall signs with 40 square feet of display surface area on wall signage in the entire PUD.

PUD-432-D-1 (55 square foot wall sign and 16 square foot logo on the west wall of the north building)

PUD-432-D-3 (102 square feet of display surface area on upper fascia facing west, south facing request was denied because of its relationship to the existing residential area across 13<sup>th</sup>.) (South Building)

PUD-432-D-6 (increasing allowed wall signage from 100 square feet to 180 square feet and decrease ground signs from 96 to 56 square feet each (East building/Bell Building #3))

Staff Recommendation:

The request to amend sign standards can be considered a minor amendment as defined in Section 1107.H.12 of the Tulsa Zoning Code provided the approved PUD standards and the character of the development are not substantially altered.

The sign standards have changed significantly in this area from the original PUD; however, the requested amendments are consistent with the scale and development concept of the PUD and surrounding area.

This particular building is in the core of the North Utica Small Area Plan, which is an ongoing planning effort but not yet adopted as part of the Comprehensive Plan. This minor amendment is not expected to be in conflict with that planning effort.

Therefore staff recommends **APPROVAL** of the minor amendments outlined in the minor amendment summary above.

16. **Z-7008-SP-5a – Andrew A. Shank**, Location: East side of Highway 75 and on the north side of West 81<sup>st</sup> Street South, Requesting a **Minor Amendment** limited to ground sign standards in the west tract of Lot 12, Block 1, Tulsa Hills, CO, (CD-2)

**STAFF RECOMMENDATION:**

Concept Statement:

The corridor development plan for this area limits ground signs to 12' height and 80 square feet of display surface area. An existing sign has been constructed conforming to that standard; however, the poor sign visibility, proximate location to Highway 75 and 81<sup>st</sup> Street do not meet the standards of the normal Sonic business plan. The request for a revision of the standard is based on the concept elevation provided with a masonry base, digital display and corporate logo.

Minor Amendment Summary:

1. Maximum sign height shall be amended at this location from 12' to 14'
2. Maximum sign display surface area shall be amended at this location from 80 square feet to 108 square feet.

Staff Recommendation:

The request to amend sign standards can be modified as defined in the Corridor Chapter of the Zoning Code. Section 806.C authorizes the Planning Commission to make "minor changes in the proposed corridor development plan..., which shall direct the processing of an amended site plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of this chapter".

The modification of the restrictive covenants in the Plat, a minor revision to a detailed site plan, and a sign plan submittal shall also be processed as part of this amendment.

Staff also supports the additional height and display surface area at this location with the understanding that it does not substantially alter the character of the development as defined in the original development plan.

Therefore staff recommends **APPROVAL** of the minor amendment outlined in the Minor Amendment summary above.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Covey, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Leighty "absent") to **APPROVE** the consent agenda Items 2 through 17 per staff recommendation.

\* \* \* \* \*

Mr. Dix in at 1:37 p.m.

**PUBLIC HEARINGS:**

17. **Dollar General Store 14207 – Preliminary Plat**, West of northwest corner of East 46th Street North and North Peoria Avenue (0212) (CD-1)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block on 1.71 acres.

The following issues were discussed June 6, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS (commercial shopping).
2. **Streets:** Provide book and page numbers for 46<sup>th</sup> Street right-of-way. Modify sidewalk Section I.H to reflect site conditions. There is only one lot with no abutting minor streets. Consider running the parking lot curb line to the west property line to accommodate cross-access to any future development of the lot to the west.
3. **Sewer:** The proposed eight-inch sanitary sewer line must be approved and installed before the old line can be discontinued. All sanitary sewer pipes installed under pavement are to be ductile iron pipe.
4. **Water:** No comment.
5. **Storm Drainage:** If the intent is to have parking lot detention, then it should be labeled as such, and the covenant language will need to be modified to reflect this. Off-site drainage appears to flow onto the site from the north and the west. This drainage will need to be collected and conveyed in an appropriate easement across the site to a public drainage system.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** Provide a fire hydrant within 400 feet of any portion of an unsprinkled building and within 600 feet of any portion of a sprinkled building per Section 507 of the International Fire Code.

**GIS:** Correct location map. Show legal description correctly. Submit subdivision control data form. Provide the lengths of all line segments. Make sure utility easements are clearly labeled.

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; 9 members present:**

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Covey, Dix, Edwards, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Leighty "absent") to **APPROVE** the preliminary plat for Dollar General Store 14207 per staff recommendation, subject to special conditions and standard conditions.

\* \* \* \* \*

Mr. Leighty in at 1:38 p.m.

18. **SEG Real Estate Campus – Preliminary Plat**, North of northeast corner of East 91<sup>st</sup> Street and South Yale Avenue (8315) (CD-8)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 11.16 acres.

The following issues were discussed June 6, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 269 C (pending). There is an existing plat on the property.
2. **Streets:** Modify sidewalk Section I.H to reflect site conditions. There is only one lot with no abutting minor streets. There must be at least 18 inches between sidewalk and property line. It appears that a part of the sidewalk may be closer than that. The platted access for the south drive should match the actual drive width (24 feet?). The north drive matches but the driveway as shown may not be acceptable as designed. Both drives should account for future widening of Yale. The median on the north drive needs to be shifted east or removed. Also the control and driver right-of-way for the internal intersection just to the east of the drive will be confusing. This should be reworked for the Infrastructure Development Plan (IDP) plans.
3. **Sewer:** Verify depth between the existing 24 inch storm sewer pipe and existing 8 inch sewer line pipe at the proposed storm sewer box.
4. **Water:** No comment.
5. **Storm Drainage:** Vacation of any existing overland drainage easements and stormwater detention easement must be accomplished prior to finalizing this plat. The stormwater detention easement proposed by this plat must be sized to detain the existing rainfall runoff storage required, and the additional rainfall runoff generated by this development. The proposed 20 foot storm water drainage easement (SD/E) located in the southwest quadrant of the site may conflict with the requirements of the existing sewer easement. The proposed easement cannot reduce or eliminate any existing restrictions. Recommend the ten-foot sewer easement be vacated. In addition, special approval will be required to construct the box so close to the existing sewer manhole (MH). Also in the southwest quadrant the existing Restrictive Drainageway should be vacated all the way to the western property line. In order to keep the existing channel in an easement, the closing of the Restrictive Drainageway should be stopped at the northern end of the proposed 20 foot SD/E (stormwater drainage easement). Section I.M. Storm Sewer Easement covenant should be modified for actual Storm Sewer Easement Maintenance, i.e., there are no valves. An improved channel is shown on a portion of the southwest Overland Drainage Easement, which is being vacated. This section of channel must be in an Overland Drainage Easement. Either the plat or the plan must be revised. The proposed boardwalk in the detention facility cannot conflict with the required concrete low flow channels.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** Provide a fire hydrant within 400 feet of any portion of an unsprinkled building or within 600 feet of any portion of a sprinkled building per Section 507 of the International Fire Code. Provide Aerial fire apparatus access per Section D105 of the International Fire Code. Provide fire department access to within 150 feet of any portion of an unsprinkled building or within 200 feet of any portion of a sprinkled building per Section 503.1 of the International Fire Code. Provide two access drives that are remote from each other per Section D104 of the International Fire Code. Provide Knox access through any gate systems.

**GIS:** Label the point of beginning on the face of the plat. Correct legal description. Submit subdivision control data form. Vacate underlying existing plat.

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.

The applicant indicated his agreement with staff's recommendation.

**INTERESTED PARTIES COMMENTS:**

**Jim Lowell**, 5127 East 86<sup>th</sup> Street Place, 74137, stated that he is opposed to the preliminary plat and feels that it shouldn't be granted due to what he believes is a nonconforming building on the subject property. Mr. Lowell discussed the lack of landscaping and screening. Mr. Lowell requested the Planning Commission to deny the preliminary plat.

**Applicant's Rebuttal:**

**Darin Akerman**, 6111 East 32nd Place, 74135, Sisemore, Weisz & Associates, stated that there have been three meetings with the neighborhood regarding this project. The subject property was originally platted in 1983 and the existing office building was built in 1984 and at sometime the maintenance building followed. The abutting residential neighborhood developed after SEG. Screening was left out because the neighborhood wanted to see the open area of the subject property that is landscaped like a park. Mr. Akerman stated that this is the first time he has heard anything about the maintenance building and didn't realize it was an issue with the neighbors.

Mr. Walker recognized Mr. Lowell.

Mr. Lowell stated that the maintenance building had been discussed before at the neighborhood meetings with the applicant.

In response to Mr. Leighty, Mr. Lowell indicated that if the maintenance building was gone and the screening and landscaping was corrected he wouldn't have any opposition to the subject application. Mr. Leighty stated that the City Council has approved this and the building will be built so is this just a way of stalling or delaying the ultimate reality of what is going to happen there. Mr. Lowell stated he wants to hold the applicant's "feet to the fire and make them do what they are obligated to do". Mr. Lowell stated that he feels that the applicant has misrepresented what they are going to do with the proposed building. Mr. Leighty asked Mr. Lowell if he ever contacted the City about the maintenance building. Mr. Lowell stated that he did call the Neighborhood Enforcement on several occasions last week and this week and haven't been able to get any resolution or any results. Mr. Leighty asked if this is the first time he has ever brought the maintenance building issue to the City's attention. Mr. Lowell stated that Southern Pointe has had an objection to the maintenance building for years, but it wasn't until he started looking into the PUD that he discovered that it wasn't in compliance. Mr. Leighty stated that this issue will probably not hold up this plat approval, but encouraged Mr. Lowell to follow up on this with the PUD compliance people. Mr. Leighty explained to Mr. Lowell that the preliminary plat is not the time to address the landscaping.

Mr. Liotta asked Ms. VanValkenburgh if the Planning Commission could deny a preliminary plat due to landscaping and screening issues. Ms. VanValkenburgh indicated that they could not.

Ms. VanValkenburgh advised the Planning Commission that if they are voting to approve the preliminary plat to make their motion with a condition that the zoning is adopted by the City Council.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **9-0-1** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; Perkins "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the preliminary plat for SEG Real Estate Campus per staff recommendation, subject to special conditions and standard conditions and subject to the zoning being adopted by the City Council.

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19. **Crimson Steel Supply – Preliminary Plat**, North of the northwest corner of North 129<sup>th</sup> East Avenue and East Archer Street North (0432) (CD-3)

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 7.90 acres.

The following issues were discussed June 6, 2013, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** Show Limits of No access and access locations along 129<sup>th</sup> East Avenue. Show full length of ODOT (Oklahoma Department of Transportation) right-of-way as limit on no access. Include section on Limits of No Access.
3. **Sewer:** Include easements for any proposed sewer line or septic system. Section 1.8 will require rewriting if a septic system is used. The closest sewer is to the east a ¼ mile at Church on The Move. Approval from ODEQ (Oklahoma Department of Environmental Quality) for a septic system will have to be obtained and the dedication of easement required for the system. The extension of a sewer main is also an option.
4. **Water:** Provide Restricted Waterline Easements for the proposed water line loop through the property. If the easement is adjacent to the proposed perimeter U/E (utility easement), then the water easement can be 15 feet wide. Where it is not adjacent to a U/E, the easement must be 20 foot wide. Do not locate the proposed waterline within the U/E.
5. **Storm Drainage:** Move the label for the southwest Stormwater Detention Easement inside boundaries of the easement. Offsite drainage from the north must be conveyed across the site in a public drainage system to the Oklahoma Department of Transportations' drainage system. The bounding lines of all easements must contain their bearings in their labels. If Overland Drainage Easements are required for the conveyance of public drainage across this site, then that standard covenant language must be added. Conceptual plan is needed for whole site.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Provide Knox access through any gate systems.

**GIS:** Label all subdivisions and expressways within the mile section of the location map. Submit a control data sheet.



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.)
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5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

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

**TMAPC Action; 10 members present:**

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

\* \* \* \* \*

20. **PUD-559/Z-5888-SP-1 – Sack and Assoc., Inc/ Mark Capron**, Location: North of the northeast corner of South Mingo Road at East 91<sup>st</sup> Street South, Requesting a **Detail Landscape Plan** for a new apartment project, (CD-7) (Continued from 6/5/13)

**STAFF RECOMMENDATION:**

As part of the detailed site plan approval the Planning Commission, at the recommendation of staff, required a public hearing on the landscape plan for this site. The applicant is requesting TMAPC approval of a Landscape Plan for the proposed multifamily project as required during the July 11<sup>th</sup>, 2012 Planning Commission meeting.

**Staff Analysis:**

The landscape plan submitted meets or exceeds the following minimum standards:

- 1) Technical requirements of Chapter 10 of the Tulsa Zoning Code
- 2) Meets the intent of the Landscape Section of the Planned Unit Development.
- 3) A required landscape buffer on the north side of the site adjacent to South Towne Square. Part of the landscape buffer includes a small retaining wall that is shown on the landscape plan which adds additional screening between the drive and the residences. The pavement is below the top of the wall by less than four feet.

- 4) The Street Yard Tree Preservation area parallel to South Mingo is also a concept that was discussed as part of the detailed site plan approval and is outlined in the landscape plan.

**Staff Recommendation:**

The overall landscape concept exceeds the minimum standards of Chapter 10 of The Zoning Code and provides a plan that satisfies the additional screening concepts illustrated in the detailed site plan of PUD-559 therefore staff recommends **APPROVAL** of the landscape plan submitted.

**Applicant's Comments:**

**Eric Sack**, Sack & Associates, 3530 East 31<sup>st</sup> Street, 74135, representing Davis Village, stated that the detail landscape is before the Planning Commission today. He indicated that he did meet with the homeowners association for South Town Square and discussed their concerns regarding the landscape plan and a few other items outside of the landscape plan. There is a list of items that they requested his client to consider and most of the items, if not all of the items, go back to their concerns about the project overall.

Mr. Sack stated that the first item was a request for an eight-foot masonry wall being constructed on the north side of the pool, which is not a landscape issue, but a detail site plan issue. Mr. Sack indicated that he has taken this issue back to his client and asked him if he would reconsider that and at this time he doesn't have an answer. Mr. Sack stated that the next item, per the detail site plan a screening fence is required along the north boundary and it was approved to be an eight-foot in height stockade fence. The neighbors asked that it be installed early in the construction process as opposed to midway or toward the end. Mr. Sack explained that the fence can't be installed on day one, but he believes it is appropriate that it be installed in the first 30 days and his client agrees. The next couple of items are about the screening fence along the north boundary. Mr. Sack stated that the neighbors had a meeting and a number of them would like to entertain the idea that the screening fence not be installed and in lieu of the fence the 50-foot landscape buffer and the trees serve as the screening. Mr. Sack explained that this would require a revision to the detail site plan because it is not a landscape issue at this time. Mr. Sack stated that if all are in agreement with this, his client would revise the detail site plan and bring an agreement with those neighbors. If this doesn't come forward the neighborhood has asked that the fence that was approved as part of the detail site plan be upgraded from a single-sided fence to a double-sided fence with a cap. Mr. Sack reiterated that this would require a revision to the detail site plan and he has discussed this with his client, but no answer at this time. The next two items are regarding the landscape buffer, which

has gone from 25 feet to 50 feet along the north. The neighbors asked that a temporary barrier be installed in the 45-foot mark to protect the buffer and keep construction activity out of there and protect the existing trees. Mr. Sack indicated that this is a good idea and it is something his client had planned to do already. The neighbors asked him to consult with a landscape professional or arborist to determine the health of the trees and save the right ones. Mr. Sack indicated that he is in agreement. Mr. Sack stated that the last item really goes to the stormwater pollution prevention plan, which is approved as part of the IDP. The neighbors would like a six-foot high mesh fence along the boundary to keep the construction dust out. Mr. Sack stated that his client is looking into the possibility of this.

**TMAPC COMMENTS:**

Mr. Leighty asked why the neighbors want the masonry wall by the pool. Mr. Sack stated that he would like the neighborhood association speak to that.

**INTERESTED PARTIES COMMENTS:**

**Jeff Harjo**, 10018 East 85<sup>th</sup> Place, 74133, submitted two photos of his backyard (Exhibit A-1) and stated that it is to give the Planning Commission an idea of why the whole fence/no fence issue. Mr. Harjo reiterated how important the existing trees are to block the neighbor's view of the apartment buildings. Mr. Harjo expressed that he would prefer to not have the screening fence up; however, there is one homeowner that doesn't have a fence at all and would like a fence built. Mr. Harjo indicated that he has talked with Mr. Sack about building that particular neighbor a fence.

Mr. Harjo stated that the neighborhood can't trust whether or not that the native area will be protected. He understands that the applicant is going to try and retain the trees that are shown in the landscape plan and he also knows the reality that when construction happens they will take out more than they plan to. Mr. Harjo commented that Mr. Sack has been very thoughtful and helpful by visiting with the neighbors yesterday and discussing these issues. Mr. Harjo stated that these are all contingencies that are important to protect the neighborhood and if those contingencies happen in his favor or at least some of them, then he wouldn't have a problem with the landscape plan.

Mr. Harjo stated that the pool will be developed along the west end of the subject property and he would like a six- to eight-foot wall behind the pool. Mr. Harjo indicated that Mr. Sack stated that the masonry wall was not required during detail site plan and he doubt his client would agree to it.

Mr. Leighty stated that he can't support the idea of the masonry wall behind the pool. Masonry walls for sound barriers do not work. Mr. Leighty indicated that he will be in support of the landscape plan submitted today.

Mr. Shivel complimented Mr. Sack for seeking an Arborist to choose which trees are worth saving.

Mr. Perkins asked Mr. Sack about the utility easements and the possible need to encroach in the 50-foot buffer area. Mr. Sack stated that he has to provide an 11-foot easement since they are back to back. The residential side already has a 17.5-foot utility easement on their side. Mr. Sack stated that he has had conversations with AEP and ONG and they have indicated that they do not need to be on the north side of the subject property and will run interior to the development. He doesn't know about communication at this time, but his goal is that they will follow AEP throughout the development and eliminate anyone needing to be in the north easement.

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the detail landscape plan per staff recommendation for PUD-559/Z-5888-SP-1.

\* \* \* \* \*

- 21. **Z-7234 – Tulsa Airport Improvement Trust/Mike Kerr**, Location: South of southeast corner of North Memorial Drive and East Pine Street, Requesting rezoning from **AG TO CS**, (CD-3)

**STAFF RECOMMENDATION:**

Staff is requesting a continuance to July 10, 2013 for further review.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **CONTINUE** case Z-7234 to July 10, 2013.

\* \* \* \* \*

**OTHER BUSINESS**

**22. Commissioners' Comments:** None.

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**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes "absent") to **ADJOURN** TMAPC meeting No. 2652.

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There being no further business, the Chair declared the meeting adjourned at 2:15 p.m.

Date Approved: 7-10-13

  
Chairman

ATTEST:   
Secretary