

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2733

Wednesday, November 2, 2016, 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	Fernandez	VanValkenburgh, Legal
Dix	Stirling	Foster	
Fretz	Willis	Hoyt	
Midget		Miller	
Millikin		Sawyer	
Reeds		Ulmer	
Shivel		Wilkerson	
Walker		Fernandez	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 27, 2016 at 2:09 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 Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Director's Report:

Ms. Miller reported on the City Council agenda. Ms. Miller stated there will be a public hearing on the Zoning Code amendment on driveway width at the November 16th, 2016 meeting.

1. Minutes:

Minutes of October 19, 2016, Meeting No. 2732

Approval of the minutes of October 19, 2016 Meeting No. 2732

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Stirling, Willis “absent”) to **APPROVE** the minutes of the meeting of October 19, 2016 Meeting No. 2732.

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-821** (Lot-Combination) (CD 9) – Location: East of the Southeast corner of South Madison Avenue and East 37th Street South
3. **LC-822** (Lot-Combination) (County) – Location: East of the Northeast corner of North Memorial Drive and East 86th Street North (related to LS-20928)
4. **LS-20928** (Lot-Split) (County) – Location: East of the Northeast corner of North Memorial Drive and East 86th Street North (related to LC-822)
5. **LC-823** (Lot-Combination) (County) – Location: East of the Northeast corner of North Memorial Drive and East 86th Street North (related to LS-20929)
6. **LS-20929** (Lot-Split) (County) – Location: East of the Northeast corner of North Memorial Drive and East 86th Street North (related to LC-823)
7. **LC-824** (Lot-Combination) (CD 9) – Location: East of the Northeast corner of South Columbia Avenue and East 45th Place South
10. **LS-20925** (Lot-Split) (CD 8) – Location: West of the Northwest corner of South Yale Avenue and East 74th Street South
11. **LS-20926** (Lot-Split) (CD 6) – Location: North of the Northeast corner of East 11st Street South and South Garnett Road

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Stirling, Willis “absent”) to **APPROVE** Items 2 through 7 and items 10 and 11 per staff recommendations.

Ms. Millikin read the opening statement and rules of conduct for the TMAPC meeting.

PUBLIC HEARINGS:

Items 8, 9, 12 and 17 were taken together

8. **LC-825** (Lot-Combination) (CD 2) – Location: Southeast corner of East 81st Street South and South Lewis Avenue (related to LS-20932) **(Continued to November 16, 2016 per staff recommendation)**
9. **LS-20932** (Lot-Split) (CD 2) – Location: East of the Southeast corner of East 81st Street South and South Lewis Avenue (related to LC-825) **(Continued to November 16, 2016 per staff recommendation)**
12. **LS-20927** (Lot-Split) (CD 4) – Location: South of the Southeast corner of South Evanston Avenue and East 27th Street South **(Continued to November 16, 2016 per staff recommendation)**
17. **CO-3 Andrew Shank** (CD 9) Location: West of the Northwest corner of East Skelly Drive and South Harvard Avenue requesting a **Corridor Development Plan** to convert an existing sign to a digital display **(Continued to November 16, 2016 per staff recommendation)**

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Stirling, Willis “absent”) to **CONTINUE** items 8,9,12, and 17 to November 16, 2016 per staff recommendations.

Items 15 and 18 were taken together

15. **PUD-766-7 Cedar Creek Consulting** (CD 9) Location: North of the Northwest corner of East 50th Street and South Yale Avenue, **PUD Minor Amendment** to increase the maximum building height from 55 feet to 82 feet. **(Applicant requests Continuance to December 7, 2016)**
18. **Z-7361 Lou Reynolds** (CD 9) Location: West of the southwest corner of South Peoria Avenue and East 37th Place requesting rezoning from **RS-3 to PK** (Continued from 10/05/2016 **(Applicant requests Continuance to December 7, 2016)**)

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Stirling, Willis “absent”) to **CONTINUE** items 15 and 18 to December 7, 2016.

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13. LS-20931 (Lot-Split) (CD 1) – Location: South of the Southeast corner of North Peoria Avenue and East Reading Street

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Stirling, Willis “absent”) to **APPROVE** LS-20931 per staff recommendations.

14. PUD-707-2 JR Donelson (CD 8) Location: Southeast corner of East 109th Street South and South 74th East Avenue, **PUD Minor Amendment** to allow single-family dwelling use and accessory uses by right in R districts (Continued from 10/05/2016)

STAFF RECOMMENDATION

SECTION I: PUD-707-2 Minor Amendment

Amendment Request: Modify the PUD Development Standards to allow single-family dwelling use and accessory uses by right in R districts in Reserve Area D.

The applicant is requesting proposed amendment to the reserve area in order to permit a possible tennis court to be shared by the home owners in Blocks 9 and 10 as well as a possible additional single-family home.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c (15) of the City of Tulsa Zoning Code.*

“Changes in an approved use to another use may be permitted provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.

- 2) All remaining development standards defined in PUD-707 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow single-family dwelling use and accessory uses by right in R districts in Reserve Area D.

Mr. Dix asked staff if the issues with ownership discussed at an earlier meeting with this applicant had been resolved.

Staff stated yes that this has been resolved.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **APPROVE** the PUD Minor Amendment per staff recommendations

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16. LS-20930 (Lot-Split) (County) – Location: East of the Northeast corner of East 161st Street South and South Lewis Avenue

The Lot-Split proposal is to split an existing AG (Agriculture) tract into two tracts. Both of the resulting tracts will meet the Bulk and Area requirements of the City of Tulsa Zoning Code.

The Technical Advisory Committee met on October 20, 2016 and had the following comment. The County Engineer requests a Right-of-Way dedication to total 50' along East 161st Street South.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **APPROVE** LS-20930 per staff recommendations.

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- 19. **Z-7362 JR Donelson** (CD 8) Location: North of the Northwest corner of East 101st Street and South 74th East Avenue requesting rezoning from **RS-1 to RS-3** (Continued from 10/05/2016) (**Applicant has withdrawn October 21, 2016**)

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- 20. **Breeze Farms (revised) Phase 1** - Preliminary Plat, North of northeast corner of South Lewis Avenue and East 171st Street South (County)

STAFF RECOMMENDATION:

The plat consists of 4 Lots, 2 Blocks, on 35.4 acres.

The following issues were discussed October 20, 2016, at the Technical Advisory Committee (TAC) meeting:

- 1. **Zoning:** The property is zoned AG (agricultural). This will be the first phase of the future development. A preliminary plat had been approved December 16, 2015 for this property and a different sketch plat for the site has also been reviewed in July of 2016. A stub street will be used now and then extend into the next development phase.
- 2. **Streets:** Provide 5 foot wide sidewalks and access ramps and these must be shown on Preliminary plat. Sidewalks must be located a minimum of 18 inches from property line and 2 feet behind curb. Limits of No Access (LNA) should run entire length of property.
- 3. **Sewer:** A 17.5 foot utility easement is required along East property line of Block 1 and west property line of Block 2. Sanitary sewer is being proposed fronting the internal street. If 15 foot easement is proposed it would need to be sanitary sewer only with no room for utilities.
- 4. **Water:** No comment from City of Tulsa. Creek County Rural Water District # 2 will serve water and needs to provide a release letter. The water line will be looped from east to west.
- 5. **Storm Drainage:** No comment.
- 6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** East Central Electric Coop will serve electric and needs wider easements. Cox has released the plat.
- 7. **Other: Fire:** No comment. Out of City Limits/contact local fire department for comment/release letter.

8. **Other: GIS:** Submit subdivision control data sheet with the final plat. Under the engineer/surveyor information please provide an email address. Provide individual lot addresses. Label land "unplatted" in the northwest corner of Section 29 in the location map. Legal description does not match plat.
County Engineer: This plat has been seen several times. It should be called Breeze Farms Phase 1. Drainage plans and reports are required and must be approved through the County Engineers' office. Detention is necessary. If offsite detention is planned it needs to be shown for this phase of development. Detention needs easements that cannot be sold. Limits of No Access is required on frontage drives. Fifty feet of right of way must be dedicated. Prefer access off of 167th Street of at least two lots.

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 County Engineer must be taken care of his 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 therefore 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 therefore 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.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **APPROVE** the Preliminary Plat per staff recommendations.

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OTHER BUSINESS

21. **ZCA-2** Discuss amending City of Tulsa Zoning Code Section 30.010-I 2 c (9) (Minor amendments of Planned Unit Developments) and Section 55.090-F 3 (Maximum width of residential driveways in RE and RS Districts).

STAFF RECOMMENDATION:

Item: Discuss amending City of Tulsa Zoning Code Section 30.010-I 2 c (9) (Minor amendments of Planned Unit Developments) and Section 55.090-F 3 (Maximum width of residential driveways in RE and RS Districts)

- A. Background:** The new Zoning Code became effective for the City of Tulsa on January 1, 2016. The new code included different provisions for driveway width than existed in the previous code. The new code prescribes maximum width of driveways both in the right of way and on the lot. The only relief from those dimensional requirements is provided through the special exception process at the Board of Adjustment. Public feedback indicates that in PUDs, relief should be available through the amendment process. The following proposed revisions permit increases in maximum allowed driveway width to be approved as an amendment to a PUD.

The proposed amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances (the Zoning Code), include: **(See Attachment I for ~~strike through~~underline version of changes)**

1. Amendment of Section 30.010-I 2 c (9) of the Zoning Code to provide that within a Planned Unit Development (PUD) certain amendments pertaining to driveway width and coverage may be processed as minor amendments.

2. Amendment of Section 55.090-F 3 of the Zoning Code to exempt certain properties from the maximum driveway width regulations established by that section.

B. Staff Recommendation: Discuss item in advance of November 16, 2016 public hearing.

Ms Miller stated this is a Zoning Code amendment to the text of the new Zoning Code that became effective January 1st, 2016. We continue to find multiple items that need to be consistent or have unintended consequences that need to be addressed and this is one of them. The previous code did not regulate the width of driveways in the right-of-way and this one does. In the past the only relief to this was through special exception to the Board of Adjustment. In the past years there have been a significant number of PUDS's where applicants were asking for wider driveways.

Ms VanValkenburgh stated as Ms Miller explained the main purpose of a PUD was to have a three car driveway so this language was added to the new Zoning Code. In instances where a variance of maximum driveway coverage measured by width, square footage or percentage of the yard has been granted, and in PUDs where development standards specify such maximum driveway coverage. Ms. VanValkenburgh stated in these instances you don't apply the regulations that would otherwise apply, which would include not applying a maximum width in the right-of-way. Applicant would not have to apply for an amendment to your PUD.

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22. Commissioners' Comments

Mr. Dix stated he would like to remind everyone to get out and vote Tuesday.

ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **ADJOURN** TMAPC meeting 2733.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Stirling, Willis "absent") to **ADJOURN** TMAPC meeting 2733.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:49 p.m.

Date Approved:

11-16-2016


Chairman

ATTEST:



Secretary