

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2348

Wednesday, June 25, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Carnes	Fernandez	
Collins	Coutant	Huntsinger	
Harmon		Stump	
Hill			
Horner			
Jackson			
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 20, 2003 at 1:45 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, Jackson called the meeting to order at 1:50 p.m.

### Minutes:

#### **Approval of the minutes of May 28, 2003, Meeting No. 2345**

On **MOTION** of **HILL** the TMAPC voted 4-0-2 (Harmon, Hill, Jackson, Westervelt "aye"; no "nays"; Horner, Ledford "abstaining"; Bayles, Carnes, Collins, Coutant, Midget "absent") to **APPROVE** the minutes of the meeting of May 28, 2003, Meeting No. 2345.

### **REPORTS:**

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

Mr. Stump reported that there are no items on the City Council agenda.

Mr. Stump stated that Item 3, AC-070, should be stricken from today's agenda. He explained that after staff reviewed this application it was determined it was not needed.

Ms. Bayles in at 1:32 p.m.

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

**Stonebriar Estates** – (8328)

(PD-26) (CD-8)

North of East 111<sup>th</sup> Street and West of South Yale Avenue

**STAFF RECOMMENDATION:**

This plat consists of 45 lots, four blocks, on 20 acres.

The following issues were discussed June 5, 2003 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned under PUD 675 and RS-1. The plat proposes 45 lots on four blocks for single-family residential uses. PUD standards must be followed.
2. **Streets:** Close and vacate the right-of-way running east/west. It is recommended that a public street tie to existing public stub streets in Quail Point and Barrington Place Additions. The private street standards must be 26 feet minimum in width. Show a property line and dimension between the east end of Reserve A and the adjacent Yale right-of-way. Approval of any gate should be with the approval of TMAPC and added to the covenants. Show Limits of No Access along Block 3 and include language for this in the covenants.
3. **Sewer:** The lift station and sanitary sewer in Reserve A need easements or to be included in the language for Reserve A. Utility easements given within Reserve "C" must be 15 feet instead of ten feet for sanitary sewer lines. Show topography lines. Take off references to septic systems.
4. **Water:** Add ten-foot right-of-way easement in Block 1, Lot 1 and Block 3, Lot 9. Correct PUD number to 675.
5. **Storm Drainage:** The stormwater easements must not contain other utilities. Show overland drainage easement to convey public waters across lots 1, 2, 3 of block 2. Use "Stormwater Detention Facility" and correct covenant language.
6. **Utilities:** **COX:** Additional easements are needed. **PSO:** The lift station may need to have extra voltage. **ONG:** Additional easements and standard covenant language is needed. **Valor:** Additional easements are needed.
7. **Other:** N/A

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below. **The issue regarding public versus private streets as recommended by Traffic Engineering needs to be discussed and solved at the TMAPC meeting.** Traffic Engineering staff has been requested to attend the meeting for this purpose.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

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

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.

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

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

**Mr. Midget in at 1:32 p.m.**

Mrs. Fernandez informed the Planning Commission that staff does have some problems with compliance with the PUD. Staff recommends continuance of this item until July 23, 2003. She stated that the Traffic Engineer for the City of Tulsa is present and the issues from the last meeting should be discussed at this time. The PUD approved primary access from South Yale Avenue with a minimum of three access points for the PUD. All access points shall be approved by the Fire Department and Traffic Engineering. Any entryway or gate for the PUD would require detail site plan approval. Mrs. Fernandez reiterated that staff is recommending a continuance to July 23, 2003.

**INTERESTED PARTIES:**

**Darrell French**, Traffic Control Engineer for the City of Tulsa Public Works Department, stated that he has evaluated the preliminary plat and recognizes that it was reviewed conceptually as the PUD. He explained that he is concerned and recognizes two existing public street stubs to Quail Pointe and Barrington Place. He stated that is his recommendation that a public street be maintained in order to tie the two existing stub streets together.

Mr. French stated that the subdivision to the south has only one point of access and it was planned to have a second point of access where the stub currently exists. A private street system would completely isolate this subdivision. He stated that he understands that at any time the proposed access points for the subject property could be gated and not afford public circulation from the two existing subdivisions (north and south). He recommends some type of design with a minimum of a public street in the western third portion of the subject property tying the two stub streets together and including any type of private street system out toward the arterial.

**TMAPC COMMENTS:**

Mr. Jackson asked Mr. French if he would prefer that the applicant have a combination of a public and private street system. In response, Mr. French stated that he has no objection to that. Mr. French commented that he is trying to minimize his recommendation to the very minimum that would serve the public safety and the PUD encourages private streets. Mr. French explained that it is

not his objective to require that 20 acres be all public streets. Mr. French stated that had this proposal been submitted before the other subdivisions were developed, then 20 acres could have been designed with a private street system, but this was developed as the third piece of property and there is a precedent for having public street stubs and tying the two together would allow circulation.

Mr. Ledford asked if the proposal was reviewed by TAC prior to the PUD approval or was it one that came through before the Planning Commission recognized that all PUDs should go through the TAC review first. In response, Mr. French stated that he didn't find any records indicating that it had gone through TAC first.

Mr. Westervelt stated that he understands Mr. French's concerns. He asked Mr. French if he was concerned with circulation in general, or if he would accept crash gates for emergency services. In response, Mr. French stated that his concern is for general circulation, because this is purely a residential subdivision-type design.

Mr. Westervelt thanked Mr. French for attending today's meeting and for his assistance.

**Applicant's Comments:**

**Jeff Levinson**, 35 East 18<sup>th</sup>, Tulsa, Oklahoma 74119, stated that this is not the first time Traffic Engineering has seen this plan. The first time was in January and it has always been noted to have private-gated streets. He explained that he has no problem with installing crash gates for emergency vehicles.

Mr. Levinson stated that the subdivision to the south has 18 lots and the subdivision to the north there is ample access. He reminded the Planning Commission that there were extensive discussions regarding this topic and private streets were always upfront. It is nothing that has been recently proposed.

Mr. Levinson stated that if Traffic Engineering can come in at this point and object, then it minimizes the value to all of his clients filing a PUD. These issues should be discussed and brought forward at the beginning and not the end because it makes planning extremely difficult.

Mr. Levinson indicated that he would like to lodge an objection to the continuance based upon the language in the current PUD "...4,000 SF within each lot for livability space and then 144,000 SF common livability space." He requested that he would like the PUD as passed by ordinance and as passed by the Planning Commission stand as passed. He stated that this is not the time to amend the PUD. He agreed that the plat must be consistent with the PUD, but he doesn't want to see at this point is to go back and change the ordinance and change the PUD, which would be counterproductive.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Levinson if everyone knew about the stub streets before planning this subdivision. In response, Mr. Levinson answered affirmatively. Mr. Levinson submitted a conceptual site plan which indicated the stub streets (Exhibit A-1). Mr. Levinson stated that the conceptual site plan was circulated throughout and the City knew there were stub streets since January.

Mr. Midget asked Mr. Levinson if he knew that there were existing stub streets. In response, Mr. Levinson stated that everyone knew there were existing stub streets. Mr. Levinson explained that the stub streets were a major topic of conversation during the PUD approval.

**Mr. Collins in at 1:47 p.m.**

Mr. Westervelt explained that this is an example of why the PUDs should be sent to the TAC first. It should help prevent this type of occurrences.

Mr. Ledford stated that the proposal doesn't meet the private street requirements or policies that are well established. He explained that Public Works was upset with the Planning Commission because they were outside looking in regarding the PUDs and were unable to evaluate this through TAC process. This process has been changed and now all PUDs go through the TAC process prior to the Planning Commission meetings.

Mr. Stump stated that Public Works was not involved in formal TAC review, but they were sent this information and there was a meeting with them to review this before it went to the Planning Commission. He explained that this technique was established to get more focused on the PUDs, but staff has since abandoned this and now have a more formal review. Public Works staff was involved and received the information prior to the Planning Commission meetings and staff had a meeting with them to solicit comments.

Mr. Stump stated that the livability issue is that the PUD states that there must be as much livability space as required by the underlying zoning and the underlying zoning requires 7,000 SF of livability space per dwelling unit. There are 48 potential dwelling units and that would be 336,000 SF. The applicant wanted to reserve or be required to only have a maximum of 4,000 SF on each lot, leaving 144,000 SF that had to be provided other places. Per the PUD Chapter, if it is going to be in a common area it has to be available to everyone in the subdivision. After examining the plat staff is unable to find the 144,000 SF of common area for livability space. The only portion would be the detention area Reserve A and staff is guessing that it would be approximately .5 acre and they

are required to have 3.5 acres. This is why staff is requesting that this be continued until staff can ascertain what the applicant is going to do to change the standards and put more livability space on each lot or devote more of the subdivision to common livability space.

Mr. Harmon stated that preliminary plats are brought before the Planning Commission for a reason and it is not to rubber stamp them automatically. If an error is discovered from previous action, then this is the time to correct it before it multiplies and gets worse. This is not to impose a hardship on anyone, but if they expect it to automatically be rubber stamped, then they are in error. If the Planning Commission discovers something that they did wrong, then it needs to be corrected.

Mr. Stump stated that staff was hoping the street issue could be resolved today in order to give the applicant better guidance and then continue the preliminary plat.

Mr. Ledford stated that there is a real problem when there are two stub streets, and the reason for the stub streets was to tie to the unplatted land when it became platted. There may have been an oversight, and as Mr. Harmon mentioned, it is never too late to correct the problem. He commented that personally he believes the streets should be public streets.

Mr. Westervelt stated that he is concerned that staff reported that there were concerns regarding this application and did seek input from Public Works prior to the public hearing.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-1-0 (Bayles, Collins, Harmon, Hill, Horner, Jackson, Midget "aye"; Westervelt "nay"; none "abstaining"; Carnes, Coutant "absent") to **APPROVE** that the north and south stub streets shall be connected with public streets for the Stonebriar Estates.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 9-0-0 (Bayles, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Coutant "absent") to **CONTINUE** the preliminary plat for Stonebriar Estates to July 23, 2003 at 1:30 p.m.

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**OTHER BUSINESS:**

**Application No.:** PUD-669

**DETAIL SITE PLAN**

**Applicant:** Bruce Rothell

(PD-17) (CD-6)

**Location:** 13777 East 51<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a multifamily development. The proposed uses are in conformance with PUD development standards.

The 11.197-acre site of two- and three-story buildings will comprise 180 units, each unit varying from 689 SF. to 1,272 SF. The buildings, garages and other accessory uses meet minimum setbacks as required by development standards (varies by building height), and parking proposed meets minimum requirements regarding layout, design and number of spaces proposed. Gated entries, access and internal vehicular circulation have been approved by Traffic Engineering and the Tulsa Fire Department. In addition, the site meets minimum requirements for street yard area and complies with minimum livability space and other bulk and area requirements per RM-1 districts and development standards.

The west, north and northern section of the east property lines will be screened by a six-foot high wood fence, and bulk trash containers will be screened in compliance with development standards. Lighting plans as currently submitted are incomplete. Additional information is necessary regarding wall-mounted lights.

Staff recommends **APPROVAL** of PUD-669 detail site plan contingent upon approval of a detail lighting plan that meets development standards and Zoning Code requirements.

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

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, TMAPC voted 9-0-0 (Bayles, Collins, Harmon, Hill, Horner, Jackson, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Coutant "absent") to **APPROVE** the detail site plan, subject to a detail lighting plan being submitted that meets development standards and Zoning Code requirements, per staff recommendation.

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**Commissioners' Comments:**

Mr. Westervelt stated that he understands that Mr. Midget will be out for several weeks.

Mr. Midget stated that he will be taking a Study Abroad Program, which will be in Europe for six weeks. He indicated that he would be in Europe from July 12 to August 22, 2003. He stated that he would be visiting Belgium and Geneva, Switzerland.

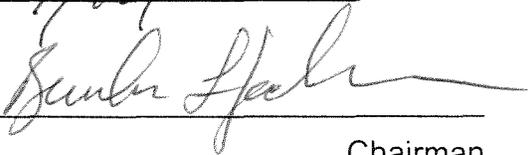
The Planning Commission wished Mr. Midget a safe trip.

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There being no further business, the Chair declared the meeting adjourned at 2:00 p.m.

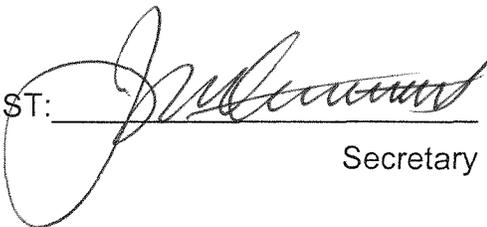
Date Approved:

7/16/03



Chairman

ATTEST:



Secretary