

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2447**

Wednesday, May 24, 2006, 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>
Ard	Collins	Alberty	Boulden, Legal
Bayles	Midget	Fernandez	
Bernard		Huntsinger	
Cantees		Matthews	
Carnes			
Harmon			
Hill			
Jackson			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 18, 2006 at 3:10 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 Bernard called the meeting to order at 1:30 p.m.

Mr. Bernard read the rules and procedures for the TMAPC public hearing.

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**REPORTS:**

**Worksession Report:**

Mr. Bernard reported that there will be a worksession today immediately following the TMAPC meeting.

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**Mr. Harmon in at 1:31 p.m.**

**Director's Report:**

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reminded the Planning Commission that next Wednesday there will be a bus tour of the East Tulsa area. Urban Development Department is arranging for a bus to take everyone on a tour and lunch will be provided.

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**SUBDIVISIONS:**

**PLAT WAIVERS:**

**BOA-20100** - ( 9329)

(PD 6) (CD 9)

2988 East 41<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The platting requirement was triggered by BOA-20100 which granted a special exception for a cell tower in an RS-1 zoning district at Edison High School.

It is the policy of TMAPC to waive the platting requirement for open air activities (Use Unit 2 Subsection 1202.B) such as cell towers. Therefore, staff recommends **APPROVAL** of the requested plat waiver.

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

**Applicant was not present.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to **APPROVE** the plat waiver for BOA-20100 per staff recommendation.

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**FINAL PLAT:**

**Southpointe BMW of Tulsa** – (8323)

(PD 26) (CD 8)

Northwest corner of East 98<sup>th</sup> Street South and Memorial Drive

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 4.56 acres.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to **APPROVE** the final plat for Southpointe BMW of Tulsa per staff recommendation.

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**Bicycles of Tulsa – (9430)**

(PD 18) (CD 5)

North of the northeast corner of East 48<sup>th</sup> Place and Mingo Road

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 1.07 acres.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to **APPROVE** the final plat for Bicycles of Tulsa per staff recommendation.

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**Quincy Lofts at Cherry Street – (9307)**

(PD 6) (CD 4)

1419 South Quincy Avenue

**STAFF RECOMMENDATION:**

This plat consists of six lots in one block on 0.310 acres.

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

**TMAPC COMMENTS:**

Mr. Ard stated that he is in favor of infill developments and very supportive of that type of development. He has spent a lot of time in the subject neighborhood and it concerns him that in these types of developments, we are depending on the alley to carry some of the traffic. He asked how much consideration has been given to this since the alleys are not built to withstand much in the way of traffic. He commented that since some of the alleys do not go all the way through, they may be overgrown and they are certainly not through-ways to carry much traffic.

Mrs. Fernandez stated that staff shares the same concerns. She reminded Mr. Ard that when the preliminary plat was before the Planning Commission, there was some concern and one of the factors was that the alley would be in existence versus sprinkling of the buildings and the mutual access easement between the buildings. Staff had a concern about livability space and has cautioned the developer and the permit center to make sure that there is some greenspace in these developments. Had the alley not been present, it would have had an effect on how this was developed. Staff continues to learn about these developments and have recently come up with a standard for widths for some of the throughways. There was considerable discussion regarding these developments with Fire, City Legal and TAC.

**Ms. Cantees in at 1:38 p.m.**

Mr. Ard stated that this type of development is great reuse of deteriorated properties in the subject area. He cautioned to not rely too heavily on alleyways supporting significant traffic flow.

Mrs. Fernandez asked Mr. Ard if he was concerned about the maintenance for the alleyway. In response, Mr. Ard stated that most of the alleys do not appear to be maintained at all.

Mrs. Fernandez stated that it would be good to take this under direction to make sure that the alleyways are maintained.

Mr. Alberty stated that this issue is something that staff is learning about, to regulate the infill development. One of the things staff is constantly sensitive to is over-regulating. Staff doesn't want to squash infill development, but on the other hand, we want to make sure that public safety has been addressed. That is the reason why the Fire Marshal was present to ensure that. The standards for the width of the paving on the interior portion are going to vary depending on the length of the street being served and the number of units. Typically as humans, we go the best and shortest route and probably the best route would be to serve this particular site off of St. Louis and not from the alley. The alley is primarily served as a secondary point and is open and permits access, which is usually in poor state. The alleyways are public rights-of-way and though they are not maintained on a regular basis, they are in the public realm as far as

maintenance. Mr. Alberty said he thinks the safety issues have been addressed, as far as the preference of how the subject property will be accessed. Staff has convinced themselves that there is adequate access, not only from the interior but from the exterior, and he would look at the alleyway being a secondary and not a primary point.

Ms. Bayles stated that the graduate students from the University of Oklahoma Urban Design Studio are here today for the Midtown Redux presentation and she believes that some of those questions could be asked during the presentation. The alleys were taken into consideration as well for their deteriorated state that currently exists, the lack of maintenance and being used as transitional spaces. She believes this is an issue that should be addressed to the students today in their recommendations to us.

**INTERESTED PARTIES:**

**Chip Atkins**, 1638 East 17<sup>th</sup> Place, 74102, stated that he would like to discuss the alleyways. These alleyways are privately maintained and they are not publicly maintained by the City. He indicated that he discussed this issue with former Councilor Baker about resources to maintain the alleys. In some cases, if a citizen wanted to, he can make the alleyway worse than it is to prevent vehicles from using the alleyway for the apartment complexes. The other issue is that people wanted to close the alleyway and now the apartment complex has prevented this from happening. Staff has not looked into the other issues that citizens have in regarding the closing of alleyways. He commented that if the main access street is blocked, the fire trucks are unable to access the alleyways because of their poor condition. He stated that his house was hit by a fire truck whose driver tried to use an alleyway that didn't have a turn radius wide enough. He asked why the City would be requiring an alleyway as a public right-of-way, even though it is a public right-of-way, for access to a public multifamily development that could be endangering other people's lives.

**TMAPC COMMENTS:**

Mr. Bernard asked Mr. Atkins if he was informed that the alleyways are private or public. In response, Mr. Atkins stated that the alleyways are maintained privately and not maintained by the City in his area. He commented that people use the alleyways as dumps and they sometimes fence them in. He further commented that people are taxed ten feet on each side of the alleyway. He questioned if the multifamily apartments would be picking up the taxes for these people or reimbursing them for their private use.

Mr. Jackson stated that in the older parts of town the alleyways do exist. In Brady Heights, curb cuts are not allowed onto the main streets and vehicles have to use the allies to access their homes. Alleys are not the primary means of egress and ingress, but a subordinate use for a second point. The main point would be off of the off-streets. Regarding the dumping and overgrowth, one should call the Mayor's Action Line and they will clean it up. As far as tree limbs,

most people know that AEP/PSO is actively cutting down limbs near their power lines. He doesn't believe overgrowth will be that much of a problem since the utilities are usually in the backyards. The alleys are on the plats and they are to be used. Each Councilor has to appropriate funds to improve the alleys and it hasn't been a priority in the past, but with the infill development increased, then the alleys will be a point of interest for the dollars that go toward their improvements in the future. The Fire Marshal is requiring a second point of access and he is willing to allow the alley to be that second point.

Mr. Ard asked Legal if the alleys are public right-of-way and if they are, shouldn't any maintenance come from the City unless the adjacent homeowner chooses to maintain them? In response, Mr. Boulden answered affirmatively.

Mr. Ard asked if the homeowner has to pay real estate taxes on the alley. In response, Mr. Boulden stated that he understands that if it is dedicated right-of-way, then they do not pay taxes on it. Mr. Boulden further stated that if the alley has been vacated and becomes private, that would be a different matter. If it is vacated, then the property goes back to the abutting property owners.

Mr. Jackson stated that in most instances, the alleys are not vacated. However, sometimes they do get fenced in and then adverse possession takes over. Very seldom does someone go to the Council and District Court to vacate the alleyways.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the final plat for Quincy Lofts at Cherry Street per staff recommendation.

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**St. Louis Lofts at Cherry Street – (9307)**

(PD 6) (CD 4)

1415 South St. Louis Avenue

**STAFF RECOMMENDATION:**

This plat consists of six lots in one block on 0.320 acres.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the final plat for St. Louis Lofts on Cherry Street per staff recommendation.

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**MINOR SUBDIVISION PLATS:**

**Home Depot at 91 Delaware Center** – (8317) (PD 18) (CD 2)  
8950 South Delaware Avenue

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that this plat consists of five lots in one block on 17.9 acres. The Planning Commission had previously approved a minor subdivision plat for the subject property in July 2005. The applicant wanted to add another lot, which meets all of the zoning requirements and this is zoned IL. Staff re-circulated this plat with the utility companies, Public Works and interested parties and staff recommends approval of the additional lot and the new minor subdivision plat.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the minor subdivision plat for Home Depot at 91 Delaware Center per staff recommendation.

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**SIDEWALK WAIVER OF SUBDIVISION REGULATIONS:**

**Pine Street Park** - (0431) (PD 16) (CD 6)  
South side of East Pine Street, between Mingo Road and Garnett Road

**STAFF RECOMMENDATION:**

The consulting engineers for this project request a waiver of the sidewalk requirements for this IL-zoned property. The preliminary plat for this subdivision was approved by TMAPC on October 19, 2005 with a waiver of the block length requirement.

Planning staff is not favorable to the request for sidewalk waivers. Sidewalks are a requirement for subdivisions and access for pedestrians needs to be provided for the future.

**TMAPC COMMENTS:**

Mr. Ard stated that there is a letter in the agenda packet requesting the waiver and it seems to imply that sidewalks would be required along the west side of the development that borders Mingo Creek. Usually sidewalks are not required along the west side of the property. In response, Mrs. Fernandez stated that there will be a trail extension, which is planned per the Master Trail Plan, along the west side of the property. Staff is addressing the sidewalks along 105<sup>th</sup> Street and East Pine Street only.

Mr. Jackson asked if the applicant would install the sidewalk along Pine Street and then each lot would be responsible after they put their paving and access points in. In response, Mrs. Fernandez stated that staff needs a plan showing how this would be done and that the sidewalks will be done. Normally this would be specified when they plat the property. Staff doesn't object to the sidewalks being done lot-by-lot as it develops.

**Applicant's Comments:**

**Tim Terrell**, 6737 South 85th East Avenue, Tulsa, OK 74133, Tulsa Engineering and Planning Associates, stated that there are two phases of development and he is currently platting Phase One. Currently there are no sidewalks located on either side of Pine Street. Located to the west is Braniff Park West II and there are no internal sidewalks inside the project or on Pine Street. Mr. Terrell cited the various properties near the subject site that do not have internal sidewalks or on Pine Street. There would be no sidewalks to tie into at this point and probably never will have any sidewalks in the future.

Mr. Terrell stated that the subject project has a 36-foot wide street inside and it is not for collector purposes but for industrial truck purposes. The majority of the surrounding area is zoned IL and IM. There is no residential zoning and therefore residential traffic and pedestrian traffic would be minimal. There will not be any stub-streets and there are no other streets that come through the subject property. He requested that the Planning Commission approve this waiver of sidewalks.

**TMAPC COMMENTS:**

Mr. Harmon stated that it is hard to say what the future may hold and he personally believes that sidewalks should be along arterial and collector streets wherever they are. Until the sidewalk is developed, it is unknown if there will be pedestrian traffic. Sidewalks are not that expensive and he doesn't understand why developers are opposed to sidewalks.

Mr. Terrell stated that in this particular case he doesn't believe the sidewalks will be used because there is nothing to tie into.

Mr. Harmon said that sidewalks are important for pedestrian walkways and one can't predict the future development. The trail system is planned to be extended and sidewalks may be necessary to access the trails.

Mr. Terrell stated that he understood that the trails are scheduled to be on the west side of the creek.

**INTERESTED PARTIES:**

**Greg Jennings**, 2260 South Troost, Tulsa, Oklahoma 74114, stated that sidewalks are needed in the City of Tulsa. The sidewalk waivers are self-fulfilling prophecies and the argument is very circular. The reason the sidewalks do not connect to anything is because no one in the past was forced to put sidewalks in. This is the reason he lives two blocks from Utica Square and he can't get there on a sidewalk because it wasn't required in the past and the current developers do not want to put them in either.

Mr. Jennings stated that he was under the impression that the City was trying to build a walkable and livable city. However, the developers keep asking for sidewalk waivers. Gasoline and oil prices are high and people tend to ride the bus more and walk more; therefore sidewalks are needed. There is residential development to the west, northwest and east of the subject property. He would like to have a place for his child to play rather than in the middle of a street. Mr. Jennings requested the Planning Commission to cease granting sidewalk waivers. He suggested that if sidewalk waivers continue, then there should be a sidewalk waiver fee that is at least 200% of the costs of what it would cost to put in a sidewalk. The City could take that money and put sidewalks in places that do not have sidewalk and are desperate need of them.

Mr. Jennings cited several sites in the City where sidewalks are issues and are needed. He indicated that some of the sidewalks have utility poles in the middle of them and one can't get around them because they were not planned for.

**TMAPC COMMENTS:**

Mr. Bernard stated that he believes that the Planning Commission is fairly in agreement with Mr. Jennings regarding sidewalks, and he isn't sure that there have been a lot of waivers approved. He agrees that sidewalks have to start somewhere and if this was started 20 years ago, there would be a lot more sidewalks than there are now.

**Applicant's Rebuttal:**

Mr. Terrell stated that he believes that sidewalks are needed, but it is a logistic standpoint. He reiterated that the sidewalks wouldn't connect to anything and wouldn't serve anyone. He concluded that the sidewalk issue is not a deal-killer

for him either way, but he believes that sidewalks in this instance are unnecessary.

**TMAPC COMMENTS:**

Mr. Bernard stated that there is a general feeling that sidewalks enhance the value of the City and attractiveness to outside investment.

Mr. Albery stated that the City has a policy that sidewalks go in with all capital improvement projects and when this street is improved it will have sidewalks and there will be a connection at some point.

Ms. Bayles stated that she would make a motion to deny the sidewalk waiver.

Mr. Harmon stated that he could support the motion because he believes sidewalks are needed everywhere.

Mr. Jackson stated that he believes that sidewalks should be on Pine and each contractor who comes in on individual lots will be responsible for installing the sidewalks.

**TMAPC Action; 9 members present:**

On **MOTION** of **BAYLES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **DENY** the sidewalk waiver for Pine Street Park per staff recommendation.

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**OTHER BUSINESS:**

**Application No.:** PUD-578-A

**DETAIL SITE PLAN**

**Applicant:** Chris Johnson

(PD-26) (CD-8)

**Location:** North of northwest corner Memorial Drive and East 111<sup>th</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a gas station. The proposed use, Use Unit 14, Shopping Goods and Services, is in conformance with Development Standards of PUD 578-A.

The proposed 208-square foot building and service canopies comply with building setbacks and maximum permitted floor area and building height. Proposed landscaped open space and street yard comply with development standards and the zoning code; and proposed parking conforms to Zoning Code

requirements. Flat-lens light fixtures are proposed for canopy lighting; however, calculations per the Kennebunkport Formula have not yet been submitted.

Therefore, staff recommends **APPROVAL** of PUD-578-A detail site plan subject to verification that proposed lighting complies with the Zoning Code and development standards per application of the Kennebunkport Formula.

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

**TMAPC COMMENTS:**

Mr. Jackson asked what the lights are being shielded from. In response, Ms. Matthews stated from any adjacent land or residential uses or someone standing at street level.

**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 **BAYLES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the detail site plan for PUD-578-A subject to verification that proposed lighting complies with the Zoning Code and development standards per application of the Kennebunkport Formula per staff recommendation.

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**Application No.: AC-81**

**ALTERNATIVE COMPLIANCE**

**Applicant:** Sack & Associates/Mark Capron (PD-18) (CD-8)

**Location:** Northwest corner of South Toledo and South Toledo Court

**STAFF RECOMMENDATION:**

The applicant is requesting approval of an Alternative Compliance landscape plan for a two-story general purpose office building. Per Section 1002.A.2 of the Landscape Chapter of the zoning code, a landscaped area shall be established and maintained which is not less than five feet in width and which extends along the entirety of abutting street right-of-way, except at points of vehicular access. Although proposed parking encroaches into this required five-foot strip, total landscaped streetyard exceeds minimum requirements.

Therefore, staff finds that although the landscape plan does not meet the technical requirements of the landscape chapter, it is equivalent to or better than the requirements of this chapter and recommends **APPROVAL** of AC-081 Alternative Compliance landscape plan for Lot 1, Block 4, Ashton Creek Office Park as proposed.

**TMAPC COMMENTS:**

Mr. Bernard asked for a clarification of what the alternative compliance is proposing.

Ms. Tomlinson stated that there is a requirement of a minimum five-foot landscape strip run along the entirety of the public right-of-way. The subject application has two points where it is two feet rather than five feet, but there are many other places where it is greater than five feet. The intent is to have green space between paving and street and this application does provide that.

**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 **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the landscaping alternative compliance for AC-81 per staff recommendation.

**RELATED ITEM:**

**Application No.: PUD-600-A**

**DETAIL SITE PLAN**

**Applicant:** Sack & Associates/Mark Capron (PD-18) (CD-8)

**Location:** Northwest corner of South Toledo and South Toledo Court

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a two-story general purpose office building. The proposed use, Use Unit 11, Offices, Studios and Support Services is in conformance with Development Standards of PUD 600-A.

The proposed building complies with development standards for building setbacks, building height, maximum floor area and minimum landscaped open space. Parking is in compliance with the zoning code. No parking lot or building mounted lighting (other than decorative, residential-style) is proposed.

The proposed landscaped streetyard does not meet zoning code requirements and subsequently, the applicant is seeking approval of the landscaping through an Alternative Compliance (AC-081).

Therefore, staff recommends **APPROVAL** of PUD-600-A detail site plan for Lot 1, Block 4, Ashton Creek Office Park subject to TMAPC approval of the related Alternative Compliance, AC-081.

(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 **CARNES**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Hill, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Collins, Midget "absent") to **APPROVE** the detail site plan for PUD-600-A per staff recommendation.

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**Commissioners' Comments:**

Ms. Bayles stated that she has several comments and she is going to speak to Mr. Boulden's concern for unilateral comments and not commentary. The first of which is that the Cherry Street Neighborhood, Swan Lake in particular, lost a great friend and neighbor in Caroline Brune. Caroline was responsible for conducting the historic research on 15<sup>th</sup> Street and learning about the former street designations. Ms. Bayles stated that Caroline Brune will be missed.

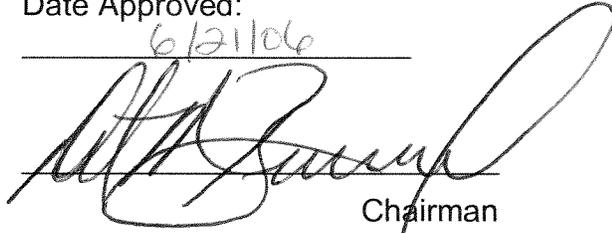
Ms. Bayles stated that she would like the Infill Report returned to a worksession agenda, the Comprehensive Plan recommendations (and to see if the recommendations could be on the INCOG website since they are no longer on the City Council website), and discuss a Citizen's Planning Academy in terms of both the commissioner's recommendations and any type of budget that would be available for that. Ms. Bayles further stated that she would like to have the CDs available for the Planning Commission regarding the Safe Cities Program and the Safer Journeys.

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

Date Approved:

6/21/06

  
Chairman

ATTEST:   
Secretary