

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2479**

Wednesday, May 2, 2007, 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	Midget	Alberty	Boulden, Legal
Cantees		Chronister	
Cantrell		Fernandez	
Carnes		Huntsinger	
Harmon		Matthews	
Marshall		Tomlinson	
McArtor			
Miller			
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 26, 2007 at 4:00 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 Ard called the meeting to order at 1:30 p.m.

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

**REPORTS:**

**Comprehensive Plan Report:**

Mr. Wofford reported that the Steering Committee meets every Monday at 3:30 p.m. The Steering Committee is currently receiving public input to formulate a Request for Proposal (RFP) to find a consultant to actually help with developing the Comprehensive Plan.

**Director's Report:**

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

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**Minutes:**

**Approval of the minutes of April 18, 2007 Meeting No. 2477**

On **MOTION** of **HARMON**, the TMAPC voted 9-0-1 (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; Cantees "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of April 18, 2007, Meeting No. 2477.

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Mr. Ard announced that Item 3.d. has requested a continuance.

**Shwiyat Estates – (9311) Minor Subdivision Plat** (PD 5) (CD 5)

1720 South Memorial Drive

**STAFF RECOMMENDATION:**

Ms. Matthews stated that she believes that a neighborhood group has requested a continuance in order to have input with the design process. The continuance request is for May 16, 2007.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** the minor subdivision plat for Shwiyat Estates to May 16, 2007.

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**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.

a. **PUD-306-J – (8320) Plat Waiver** (PD-18) (CD-8)

9220 South Harvard Avenue

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a major PUD amendment to allow a new cell tower.

It is the policy of TMAPC to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities.

Staff recommends **APPROVAL**.

- b. **PUD-128-H – (8307) Plat Waiver** (PD-18) (CD-2)

Northeast corner of South Wheeling and East 78<sup>th</sup> Street

**STAFF RECOMMENDATION:**

The platting requirement was triggered by a major PUD amendment to allow a new cell tower.

It is the policy of TMAPC to waive the platting requirement for antennas and supporting structures under Use Unit 4, Public Protection and Utility Facilities.

Staff recommends **APPROVAL**.

- c. **PUD-306-J – Peter Kavanaugh** (PD-18) (CD-8)

9220 South Harvard Avenue (Detail Site Plan for a communication tower.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a communication tower. The proposed use, Use Unit 4, Public Protection and Utility Facilities, is in conformance with Development Standards of PUD-306-J.

The proposed tower complies with PUD development standards; therefore, staff recommends **APPROVAL** of PUD-306-J detail site plan as proposed.

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

- d. **PUD-128-H – Peter Kavanaugh** (PD-18) (CD-2)

Northeast corner of South Wheeling and East 78<sup>th</sup> Street (Detail Site Plan for a communication tower.)

### **STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a communication tower. The proposed use, Use Unit 4, Public Protection and Utility Facilities, is in conformance with Development Standards of PUD-128-H.

The proposed tower complies with PUD development standards; therefore, staff recommends **APPROVAL** of PUD-128-H detail site plan as proposed subject to TMAPC approval of the related plat waiver.

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

### **TMAPC COMMENTS:**

The Planning Commission considered the consent agenda.

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

### **TMAPC Action; 10 members present:**

On **MOTION** of CARNES, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 2.a. through 2.d. per staff recommendation.

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## **PUBLIC HEARING**

**L-20090** – White Surveying (1314)/**Lot-Split**

(County)

10535 North Sheridan Road

### **STAFF RECOMMENDATION:**

The applicant has applied to split a five-acre tract into two parcels. Both proposed tracts meet the AG zoning bulk and area requirements.

Both North Sheridan Road and East 106<sup>th</sup> Street North are designated as secondary arterials on the Major Street and Highway Plan (MSHP) requiring 100' right-of-way, 50' on either side of the center line. The MSHP also requires an additional 8' along Sheridan Road for a distance of 388' from the section line, and a 30' radius at the intersection.

The owner has agreed to give the required right-of-way along Sheridan and the radius at the intersection. However, because of the location of the existing dwelling and accessory building, the owner has requested a waiver of the

requirement along 106<sup>th</sup> Street North from 50' to 20'. The dwelling is 45.1' from the centerline of 106<sup>th</sup> Street North and the accessory building is 44.5'.

The Technical Advisory Committee (TAC) reviewed this application at their April 19, 2007, meeting, and recommended that the full right-of-way be given along Sheridan Road and a minimum of 30' of right-of-way be given along 106<sup>th</sup> Street North. It was also noted that 106<sup>th</sup> Street North is designated on the Trails plan as an on-street bikeway linkage.

Given the location of the existing structures and TAC's recommendation for a minimum of 30' along 106<sup>th</sup> Street North, Staff recommends **APPROVAL** of the waiver of Subdivision Regulations from 50' to a minimum of 30' along 106<sup>th</sup> Street North, subject to required right-of-way of 50' to 58' along Sheridan Road and the 30' radius at the intersection be given to Tulsa County.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of CARNES, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the waiver of Subdivision Regulations from 50' to a minimum of 30' along 106<sup>th</sup> Street North, subject to required right-of-way of 50' to 58' along Sheridan Road and the 30' radius at the intersection be given to Tulsa County and for the Lot-split for L-20090 per staff recommendation.

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**PUD-306-K – (8320) Plat Waiver**

(PD 26) (CD 2)

North side of East 101<sup>st</sup> Street South, approximately 450 feet East of South Delaware

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a major amendment for fuel station and car wash uses.

**Staff provides the following information from TAC at their April 19, 2007 meeting:**

**ZONING:**

TMAPC Staff: The waiver request is for previously platted property in River Creek Village under PUD-306-K.

**STREETS:**

Verify approved "Change of Access" (this has been done).

**SEWER:**

The property has access to an existing sanitary sewer line, and no additional easements are needed.

**WATER:**

A 12-inch waterline exists on north side of 101<sup>st</sup> Street South. Service connection is required.

**STORM DRAIN:**

No comment.

**FIRE:**

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.

**UTILITIES:**

No comments.

Staff recommends **APPROVAL** of the plat waiver.

***A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:***

- |   | <b>Yes</b> | <b>NO</b> |
|---|------------|-----------|
| 1. Has Property previously been platted?  | X          |           |
| 2. Are there restrictive covenants contained in a previously filed plat?                      | X          |           |
| 3. Is property adequately described by surrounding platted properties or street right-of-way? | X          |           |

***A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:***

- |  | <b>YES</b> | <b>NO</b> |
|--|------------|-----------|
| 4. Is right-of-way dedication required to comply with Major Street and Highway Plan?                   | X          |           |
| 5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived? | X          |           |

6.	Infrastructure requirements:	
a)	Water	
i.	Is a main line water extension required?	X
ii.	Is an internal system or fire line required?	X
iii.	Are additional easements required?	X
b)	Sanitary Sewer	
i.	Is a main line extension required?	X
ii.	Is an internal system required?	X
iii.	Are additional easements required?	X
c)	Storm Sewer	
i.	Is a P.F.P.I. required?	X
ii.	Is an Overland Drainage Easement required?	X
iii.	Is on site detention required?	X
	iv. Are additional easements required?	X
7.	Floodplain	
a)	Does the property contain a City of Tulsa (Regulatory) Floodplain?	X
b)	Does the property contain a F.E.M.A. (Federal) Floodplain?	X
8.	Change of Access	
a)	Are revisions to existing access locations necessary?	X
9.	Is the property in a P.U.D.?	X
a)	If yes, was plat recorded for the original P.U.D.	X
10.	Is this a Major Amendment to a P.U.D.?	X
a)	If yes, does the amendment make changes to the proposed physical development of the P.U.D.?	X
11.	Are mutual access easements needed to assure adequate access to the site?	X
12.	Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations?	X

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

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

**TMAPC Action; 10 members present:**

On MOTION of HARMON, TMAPC voted 10-0-0 (Ard, Carnes, Cantees, Cantrell, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget "absent") to APPROVE the plat waiver for PUD-306-K per staff recommendation.

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**Lookout Mountain Estates – (9222) Preliminary Plat** (County)

Southeast corner of West 31<sup>st</sup> Street South and 33<sup>rd</sup> West Avenue

**STAFF RECOMMENDATION:**

This plat consists of 57 lots, six blocks, on 143.61acres.

The following issues were discussed April 19, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG. There was a sketch plat reviewed on this property in June of 2006. No half street dedications will be accepted. Reserve areas need to be shown and clarified. Easements need to be dimensioned. Release letters from easement holders and the fire department responsible for service will be required before final plat approval. Show lot sizes. Sidewalks are required. Watch the cul-de-sac and block lengths or waivers will be required.
2. **Streets:** Cul-de-sacs exceed the 750-foot maximum length. Lots ten through 17 in Block 1 comprise a block length exceeding the 1500-foot maximum. At north ends of existing 27<sup>th</sup> West and 28<sup>th</sup> West Avenues, cul-de-sacs turn-arounds are recommended.
3. **Sewer:** Additional easements may be required to accommodate the required sanitary sewer mainline extension. Omit Section 1.3.6 and Section II R pertaining to aerobic systems if water service by City of Tulsa. An SSID is required to extend sanitary sewer service to all lots. If an area can not gravity flow to the sanitary sewer main, then Engineering Services will require the construction of a public lift station and force main. Developer and engineer should meet with City of Tulsa Engineering Services, Design Engineering, to determine requirements. The City will require at least a dry system if water is to be served to this site.
4. **Water:** Area can be served by a City of Tulsa primary system. A water main extension contract (WMEC) will be required and conditioned on meeting sanitary sewer connection requirements. Water lines on cul-de-sac roads must be looped. No fire hydrants are shown. Elevated tank may be required to accommodate fire flow. Booster pumps may be required. Upgrade of system to the south may be required.
5. **Storm Drainage:** This subdivision cannot increase the volume or velocity of the drainage flowing from their development into the City of Tulsa. Stormwater detention may be required. Stormwater detention facilities should be placed in Reserve Areas, which should be maintained by the Homeowners Association. Drainage flowing onto the development from off-

site must be conveyed in an overland drainage easement, or must be collected and piped in a storm sewer easement. Standard language must be added for stormwater detention in a Reserve, and for overland drainage easements in Reserve Areas. Drainage maintenance responsibility should be Tulsa County, not the City of Tulsa. A conceptual drainage plan was not submitted, and it is required.

6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements are requested and an additional meeting with utilities will be held.
7. **Other: Fire:** Cul-de-sacs shall not exceed seven hundred and fifty feet in length, measured from the centerline of the intersecting streets to the center of the turn-around. Cul-de-sacs shall have a turn-around radius of not less than thirty-eight feet of paving, utilizing a rolled curb section wherever possible, and a radius of fifty feet of right-of-way at the property line. Cul-de-sacs greater than two hundred and fifty feet in length shall have a turn-around radius of not less than forty feet of paving and a radius of fifty-two feet of right-of-way at the property line. Cul-de-sacs greater than five hundred feet in length and with abutting front yards for more than twenty lots shall have a turn-around radius of not less than forty-eight feet of paving and a radius of sixty feet of right-of-way at the property line. For a cul-de-sac with a rolled curb section the turnaround radius may be measured to the back of the curb. Fire apparatus access roads shall not exceed ten percent in grade. Grades steeper than ten percent as approved by the fire chief. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1. For group R-3 and group U occupancies, the distance requirement shall be 600 feet. 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet. Water mains shall be looped where serving fire hydrants.

**County Engineer:** Standard right-of-way for County streets is 60 feet. Line up centerline of 29<sup>th</sup> West Avenue with street to the south. (Existing 29<sup>th</sup> West Avenue has 100-foot right-of-way.) Deed of Dedication for continuation of 29<sup>th</sup> West Avenue is 50 feet, should be showing additional ten-foot dedication by this plat. Complete and correct location map (33<sup>rd</sup> West Avenue, not 37<sup>th</sup>). Twenty five-foot radii at all intersections are needed. Show complete width of all easements. Two lot 17's in Block 1. Block 5 and 6 are continuous, should be combined into Block 5. Lot 21, Block 3 should be Lot 5. Northern end of Lot 1, Block 6 looks unusable and probably should be a Reserve Area. Street names and addresses will be assigned by E911. The last call in the description says due west, but is a bearing on face of plat. Section 1.3, City of Tulsa to be responsible for

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.

**TMAPC COMMENTS:**

Mr. Ard clarified the TAC comments regarding the cul-de-sacs and asked if staff is agreeable to the waiver request. In response, Mrs. Fernandez stated that the TAC comments are flags as going through the discussion with the members of TAC. The waiver requests and Subdivision Regulations came in after the meeting. The formal request didn't come until after the comments were written. Staff is in agreement with these three waivers.

Mr. Harmon questioned the waiver of sidewalks and that the Planning Commission has been requiring sidewalks in all subdivisions. In response, Mrs. Fernandez stated that the waiver for sidewalks is fine according to the policy that was adopted by the Planning Commission. Mr. Harmon asked staff why they believe it would be agreeable to have this subdivision without sidewalks. In response, Mrs. Fernandez stated that it is a borrow ditch development with large lots and zoned AG with a severe slope. The Tulsa County Engineer agrees with the staff for the same reasons.

Mr. Harmon stated that if it is a steep terrain, then there is more of a need for sidewalks. Mr. Harmon further stated that he is aware that there are some abandoned oil wells in the subject area and asked if there are any on the subject tract of land. In response, Mrs. Fernandez stated that she doesn't recall on this application if there are any abandoned oil wells. If there are any abandoned oil wells, they will have to be shown on the face of the plat. Mrs. Fernandez indicated that she doesn't have the oil well certificate at this time, but it usually comes during the preliminary plat approval process. If the engineer knew about any abandoned oil wells it should be on the face of the plat today, and if there are any it will be on the face of the plat before final plat approval.

Mr. Wofford asked for a clarification for the timing of the waivers request, the TAC committee and the staff report. Mr. Wofford stated that he understands the TAC committee reviewed this, then the waiver request came in. Then the staff had no problems with the waivers and recommended approval. He asked if the Fire Marshal reviewed the length of the cul-de-sac. In response, Mrs. Fernandez stated that the Fire Marshal has lengthy comments in his staff report and he is in agreement with the waiver.

County Commissioner Miller asked if the issue with the sidewalks is a matter of costs. In response, Mrs. Fernandez stated that the engineer will have to answer that question. Mrs. Fernandez stated that typically the reasons for the waiver is where to place the sidewalks, the cost and the terrain; however, she would let the engineer speak to that particular point of view on the subject project.

**Darryl French**, Traffic Engineering, 707 South Houston, Suite 505, representing TAC, stated that the Fire Marshal's comments were quoting the Subdivision Regulations so that he could calculate what the desirable minimum radius would be, which is 38'. TAC had the rare opportunity to have a sketch plat on the subject site since it is a difficult design and terrain. It was TAC's conclusion that this is the best design for the subject area.

**Applicant's Comments:**

**Steve Powell**, 10830 East 45<sup>th</sup> Street, Suite 204, 74146, stated that the reason for not constructing sidewalks is a matter of the terrain and the steepness of the terrain. The sidewalks would be provided for by covenant and installed by the builders as the lots develop so it is not an installation cost at the time the roads are installed. The primary reason for not wanting to install the sidewalks is due to the steep slopes and none-ADA accessibility that would result from the vast majority of the sidewalks in this area.

In response to County Commissioner Miller, Mr. Powell stated that he doesn't believe the curb appeal will be harmed in any way without the sidewalks. The curb appeal for the subject area is the pristine nature of the area and the views that come with the property. It will be rural in nature and sidewalks would somewhat negate that look.

**TMAPC COMMENTS:**

Mr. Wofford asked Legal if the sidewalks had to be ADA accessible. In response, Mr. Boulden answered affirmatively.

In response to Mr. Marshall, Mr. Powell stated that normally the developers put in the sidewalks as the house is being built. Sidewalks are not usually put in before the house is built because then construction traffic would be driving over the sidewalks.

Mr. Marshall asked Mr. Powell if a sidewalk could be fit into the subject area with the steep slopes. In response, Mr. Powell stated that the entire development is on the side of a mountain and every road would require cutting in and building a retaining wall in order to have a flat sidewalk. ADA requires a one-to-12 pitch for sidewalks. Certainly there is a cost associated with the sidewalks, but it is not just the sidewalks, because if the sidewalks are driving the project, then the roadway becomes a huge cost.

**INTERESTED PARTIES:**

**Gary Patton**, 4721 South 81<sup>st</sup> West Avenue, 74107, stated that he lives and owns a small business in West Tulsa. Mr. Patton indicated that there has not been any significant new home construction in southwest Tulsa for over 30 years and this project is needed. This will bring new families to the subject area and help the enrollment in the schools and draw businesses back. Mr. Patton stated that this would be a positive development in the subject area.

**Mike Osborn**, 3605 South 32<sup>nd</sup> West Avenue, 74107, asked questions regarding the sewer lines and if any properties in the subject area would be crossed to install the sewer and water lines. He further asked if he would be asked for easements from his property. Mr. Osborn expressed concerns with water drainage and runoff from the proposed development onto his land. He asked if the development would decrease the amount of water to his pond.

**Billy Halstead**, 3623 South 26<sup>th</sup> West Avenue, 74107, cited the past history of proposed projects that were denied. He asked about access to the subject property and its location. Mr. Halstead asked if 26<sup>th</sup> Street West Avenue would be widened past 40 feet. He questioned if he would have to hook up to sewer if it is brought to the subject area; he would prefer to remain on septic. Mr. Halstead had many questions pertaining to sewer, water, fire protection, greenbelts, abandoned oil wells and who would maintain all of these utilities.

Mr. Ard recognized Mr. Osborn.

Mr. Osborn informed the Planning Commission that there is a water leak on the subject property and 20 gallons of water is lost per minute.

**Applicant's Rebuttal:**

Mr. Powell stated that sanitary sewer is planned for the subject proposal with lift stations and gravity lines where needed. The sanitary sewer will connect to an existing sewer located south of the subject property. The County would have to answer the question regarding existing homes having to connect onto the new sewer line. There are no planned easements on the property to the southwest corner and all of the easements for the subject property will take place on the property itself. There is a water line located on the west boundary of the subject property that will supply the water without crossing Mr. Osborn's property.

Mr. Powell stated that the County Engineer has determined that there is no need for onsite detention, but the water will have to be regulated so that it leaves the property with a low velocity. The watershed that supplies Mr. Osborn's pond will not be decreased. He indicated that steps will be taken to make sure that water remains the same as it is now.

Mr. Powell stated that access will be on 29<sup>th</sup> Street and 26<sup>th</sup> Place and the roads will be in accord with County requirements. There are no plans to annex this area into the City of Tulsa. He doesn't believe the City of Tulsa will accept asphalt roads with borrow ditches. Borrow ditches will be maintained by the County and he would hope that homeowners would mow the ditches in front of their homes.

Mr. Powell indicated that the water pressure is being reviewed and a reservoir will be built if needed for fire protection. He commented that he did receive a letter from the Oklahoma Corporation Commission regarding no active well indicators on the subject property. There are plugged wells identified the subject property. Mr. Powell stated that if the oil wells have been improperly plugged, then he would be more than happy to reinvestigate those because they were not picked up by the survey.

**TMAPC COMMENTS:**

County Commissioner Miller stated that the neighborhood should have been contacted prior to today's meeting. Meetings with neighborhoods eliminate a lot of concerns that are unnecessary. Commissioner Miller requested that the developer, County Engineer and the neighborhood have a meeting to discuss the plans. In response, Mr. Powell agreed to a meeting. Commissioner Miller stated that this project will be good for the subject area and will increase property values. Commissioner Miller stated that she will support this proposal today and reminded everyone that this will have to go to the Board of County Commissioners for approval as well.

Ms. Cantees asked Mr. Powell to explain why the Planning Commission should waive the sidewalks. In response, Mr. Powell stated that it is due to the topography. There is an implied accessibility that goes with ADA requirements and if there are sidewalks in an area that has large slopes on it, then one is

implying that it is ADA accessible. Borrow ditches have to be maintained if sidewalks are built, then there would have to be bridges or walkways built over the drainage areas within the borrow ditches, which can create a headache for the County when trying to do maintenance.

Commissioner Miller asked staff if the Planning Commission has waived sidewalks in the past. In response, Ms. Matthews answered affirmatively.

Commissioner Miller stated that the proposal is for homes to be on acreages and there are 57 lots. Channel 8 is the only other business in the subject area and she doesn't see a lot of walking that would occur. This proposal could be an exception to the sidewalk requirements.

Mr. Carnes stated that there are three reasons to support the waiver for sidewalks: 1) Borrow ditches; 2) AG zoned lots; and 3) pristine neighborhood on a hillside.

Mr. Harmon stated that he is a strong supporter of sidewalks, but the terrain is steep on Lookout Mountain and he can support a waiver in this case.

Ms. Cantrell stated that she can support this as well because of the topography and the AG zoning.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the preliminary plat and the waivers for cul-de-sac length, sidewalks and block lengths, subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

**Application No.: PUD-411-C-10**

**MINOR AMENDMENT**

**Applicant:** Lou Reynolds

(PD-26) (CD-8)

**Location:** 9700 Block of East 98<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-411-C for the purpose of permitting an automobile detailing and "make ready" facility, Use Unit 17, and to permit a lot-split.

Although underlying zoning of the property is CO, uses within this zoning district are permitted per corridor site plan (PUD) approval, not by right (See Appendix A attached). Subsequently, the original corridor site plan/ PUD limits uses to Use Units 10, 11 and those typical of Use Units 14, 15 and warehouse and storage facilities incidental to the retail and trade establishments as permitted by Z-5842-SP-5/PUD-411-C. Because these uses are also typical of those permitted by right or exception in CG, the addition of an automobile detailing and "make ready" shop, a Use Unit 17, would be comparable to existing permitted uses so long as auto body painting was not permitted. (Auto body painting as provided in Use Unit 17 is not permitted by right or exception in CG districts.) If auto body painting is intended, staff recommends the request be submitted to TMAPC for approval as a major amendment/ new corridor site plan.

The subject property is currently unplatte and was recently the subject of a lot-split per PUD-411-C-9, which split off the tract to the north of Tract B1 for Trinity Restoration auto body shop. The proposed lot-split would be a continuation of piece by piece development of unplatte property which is contrary to the spirit and intent of the Corridor and PUD chapters of the zoning code. Staff recommends instead that Tract B1 and Tract B2 be incorporated in a plat. Development standards need not change as Tract B1 is within Development Area 4(A)2 as established by PUD-411-C-9 and Tract B2 is within PUD Development Area 5(A).

Therefore, staff recommends **APPROVAL** of the minor amendment to allow the automobile detailing and "make ready" facility subject to no auto body painting being permitted; and **DENIAL** of the minor amendment to permit a lot-split.

**TMAPC COMMENTS:**

Mr. Ard announced that he has had ex parte communication with the applicant.

Mr. Ard asked if the same thing had been done on 4(a)1 that is being requested today. In response, Ms. Tomlinson stated that the Planning Commission did allow the same request to be done on 4(a)1.

Mr. Harmon asked if he understood that all of the guidelines are in place if a lot-split is done. The zoning wouldn't change and what is allowed would not change. He doesn't understand what the risk would be to allow the lot-split. In response, Ms. Tomlinson stated that the other thing in the applicant's favor is that there is right-of-way that is already developed and they do have most aspects established. The things that wouldn't be established are the easements being placed, the utilities and the proper access. Mainly this is a concern for a precedent being established and it is something that staff will continue to bring to the TMAPC's attention. One of the terms this Planning Commission has used in the past is "best practices" and this wouldn't be one. It is not something that staff would come to the Planning Commission and recommend on a regular basis to split unplatte property. The minor amendment in the PUD Chapter of the

Zoning Code is set aside for property that is platted within a PUD and not unplat property, which would be getting the cart before the horse.

Mr. Harmon asked what risk would there be for the City of Tulsa. In response, Ms. Tomlinson stated that there would not be any risk.

Mr. Marshall asked staff how far the proposed building would be set back from the residential property. In response, Ms. Tomlinson stated that there is not a site plan at this time, but there are setbacks established for the subject property. There are development standards already in place for the subject property.

**Applicant's Comments:**

**Lou Reynolds**, 2727 East 21<sup>st</sup> Street, Suite 200, 74114, stated that the building setback for Development Area 5 A is 85 feet (minimum) and in Development Area 4 A the building setback is 150 feet (minimum).

Mr. Ard requested Mr. Reynolds to refresh the Planning Commission's memory regarding the trails system and how it is incorporated into this setback.

Mr. Reynolds stated that the trails system is a part of the setback in this request. The applicant has agreed to dedicate the trail in order to connect the trail from 89<sup>th</sup> Place to the turnpike. The lot-split will not create a gap in the trail. Trinity Restoration has platted the property to the north with trail access and the applicant is going to plat the property to the south and there will be trail access. When a user for the other property is found, then the trail will be in place and the neighborhood would have full use of the trail.

In response to Mr. Ard, Mr. Reynolds stated that his client is purchasing Tract B-2 and it will be platted. Mr. Reynolds indicated that he agrees with staff's recommendation for the portion of the minor amendment regarding the auto detailing on Tract B-2. However, he disagrees with the condition for the lot-split to have both properties being platted. The entire project has been developed as he is proposing today. Mr. Reynolds stated that he can't plat a property if he doesn't know what use will be proposed for it and he wouldn't know which standards to apply to it. If it were platted with today's standards and he has a buyer who needs something different, then the property would have to be replatted, which wastes thousands of dollars. The streets are in place and they are all dedicated; there is access and there are no issues about utilities. The only issue that hasn't been addressed is the trail and he met with the neighbors and agreed to dedicate for the trail. Tract B-1 has no plans to be platted and no one could obtain a building permit until it is platted. The protections for the community are in place without the platting. All floor areas have been allocated and all the setbacks are established for each area for different types of use. At this time he doesn't know who will use the property and it would be a waste of time and money to plat it.

Mr. Marshall asked Mr. Reynolds to explain the car detailing proposal. In response, Mr. Reynolds stated that Tract B-2 is approximately five acres and there is a contract to sell it and in order to sell it he needs a lot-split. The purchaser is requesting to have an auto detailing "make-ready" facility. They would bring their cars in to have them cleaned and waxed and then move them to the showroom to sell. Mr. Marshall asked if there would be an automatic car wash and they make a lot of noise. In response, Mr. Reynolds stated that he has met with the neighbors and they know what is going to be happening on the subject property and they are happy with it.

Mr. Marshall asked about the pole lights. In response, Mr. Reynolds stated that the lighting would addressed during the detail site plan and PUD standards, which will come back to the Planning Commission later when they have their exact design standards. Mr. Marshall stated that he believes that the standard 20 feet that INCOG recommends is too tall for something like this. Mr. Marshall asked Mr. Reynolds to take the nine feet pole lights into consideration for the subject property. In response, Mr. Reynolds stated that when the detail site plan comes through he will have to meet the Kennebunkport standards.

**INTERESTED PARTIES:**

**Brian Tarkenton**, 8814 East 96<sup>th</sup> Street, 74133, asked who makes the decision regarding the trails and when construction would begin.

Mr. Tarkenton was advised to call the City Parks Department.

Ms. Matthews suggested they contact their District Councilor to see if it is scheduled for the Capital Improvements Program for funding.

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Carnes, Cantees, Cantrell, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minor amendment for PUD-411-C-10 to allow the automobile detailing and "make ready" facility, subject to no auto body painting being permitted; and **APPROVAL** of the minor amendment to permit a lot-split for PUD-411-C-10 as modified by the Planning Commission.

\* \* \* \* \*

## **OTHER BUSINESS:**

**Application No.: PUD-502-A**

**DETAIL SITE PLAN**

**Applicant:** Tim Terral, Tulsa Engineering & Planning, Inc. (PD-18) (CD-9)

**Location:** 2417 East 53<sup>rd</sup> Street South

### **STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new one-story office building on Lot 2 and shared parking on Lot 1. The proposed uses, Use Unit 11, Offices, Studios and Support Services, and Use Unit 10, Off-street Parking Areas are in conformance with Development Standards of PUD-502-A.

The proposed one-story general office building complies with building setback and height restrictions. Parking and parking lot lighting comply with development standards and the zoning code. Screening and landscaping are proposed in accord with development standards as amended by PUD-502-A-1.

Per development standards the proposed access onto East 53<sup>rd</sup> Street South must be approved by Traffic Engineering. In addition, a mutual access easement assuring access to each lot from East 53<sup>rd</sup> Street South must be filed of record.

Therefore, staff recommends **APPROVAL** of PUD-502-A detail site plan subject to Traffic Engineering approval of the proposed access and verification that a mutual access easement assuring access to each lot from East 53<sup>rd</sup> street South has been filed of record.

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

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

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

### **TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Carnes, Cantees, Cantrell, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the detail site plan for PUD-502-A, subject to Traffic Engineering approval of the proposed access and verification that a mutual access easement assuring access to each lot from East 53<sup>rd</sup> Street South has been filed of record per staff recommendation.

\* \* \* \* \*

**Refund Request: PUD-557-A – Kinslow, Keith & Todd, Inc./Hardesty Regional Library Addition:**

**STAFF RECOMMENDATION:**

This application is for the City/County Hardesty Regional Library and therefore fees are waived. Staff recommends **APPROVAL** a full refund of \$425.00.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Carnes, Cantees, Cantrell, Harmon, Marshall, McArtor, Miller, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the full refund for PUD-557-A per staff recommendation.

\* \* \* \* \*

**Commissioners' Comments:**

Mr. Ard welcomed Mr. Keith McArtor to the Planning Commission.

Mr. Ard read several events for continuing education that are coming up in the month of May.

Ms. Cantrell announced that on May 19<sup>th</sup>, the Mayor and the Tulsa Preservation Commission are hosting a reception to celebrate Historic Preservation Month. Nominations are being requested for outstanding historic preservation.

Mr. Wofford stated that today there was a really good idea for a project on Lookout Mountain, but instead of having what he considered a straightforward discussion the Planning Commission got off into a lot of issues that were legitimate concerns for the citizens but should have been addressed in another forum. This happened because the developer had not contacted or met with the neighborhood. This is something that should be done on every major proposal. Perhaps the Planning Commission should address this issue and see how to get this implemented as a requirement.

Ms. Cantrell and Ms. Cantees agreed with Mr. Wofford's comments.

Commissioner Miller inaudible (microphone was turned off).

Mr. Alberty stated that he would be happy to give an explanation about the lot-split in PUD-411-C-10.

Mr. Alberty stated that this is situation where it was a matter of sequence rather than the requirement. As had been said in the past, whenever the Planning Commission has repeatedly approved something then the staff takes notice. The situation with a requirement of a lot-split is if one is conveying property greater than five acres it does not require a lot-split and does not require platting. Most of those properties that have occurred, approved corridors or approved PUDs usually exceed the five acres and do not need a lot-split. The ordinance does require, in the matter of sequencing, that once something has been approved that it be platted and then lot-split, detail site plans, etc. be done. What staff has repeatedly done up to this point has been to point out that process. Based on the Planning Commission's action today and two previous actions, he believes that staff will take notice and the Planning Commission will probably not see this coming to them again, whenever access can be satisfied. With the Planning Commission's permission based upon their vote today, then staff probably will not make an issue out of the lot-split in the future.

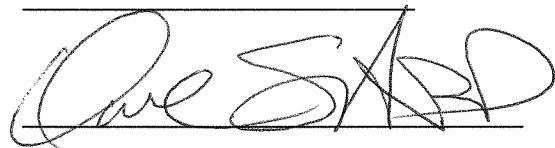
Mr. Ard stated that he hasn't been on the Planning Commission that long, but this particular instance seems really unusual to him. In an instance where there is a situation where the setbacks are in place, the building guidelines are in place and all of the things that are in place to limit the abuse of that site, as well as the access issue it seems to him are unique.

Mr. Alberty stated that this is unique because all of the standards are in place. When property is platted it does not have to specify the use, but rather state the range of uses. Some of the developers and owners are a little bit concerned about specifying exact use, which is not a requirement. This proposal today could have been very easily platted. The owner purchased more than five acres and that is the reason why he didn't have to plat. Now he is selling off pieces of the property and therefore it sparked the requirement to be platted. After today's action, this is probably the last time the staff will recommend denial.

\* \* \* \* \*

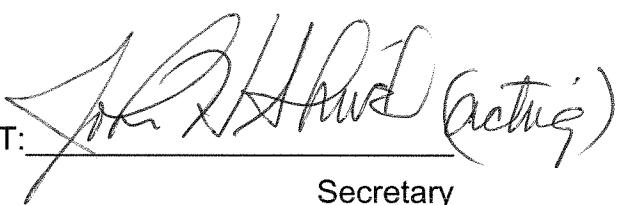
There being no further business, the Chair declared the meeting adjourned at 3:00 p.m.

Date Approved:

A handwritten signature in black ink, appearing to read "Dave Shad".

Chairman

ATTEST:

A handwritten signature in black ink, appearing to read "John B. Hard (acting)".

Secretary

