TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2548

Wednesday, May 20, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell		Alberty	Swiney, Legal
Carnes		Feddis	Steele, Sr. Eng.
Keith		Fernandez	Warlick, City Pln.
Leighty		Huntsinger	Liotta, County
Marshall		Matthews	
McArtor		Sansone	
Midget			
Shivel			
Sparks			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 14, 2009 at 12:30 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 Cantrell called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:
Ms. Cantrell recognized Mr. Liotta who will be observing from the County offices. She understands that in the future he may be filling in for Commissioner Keith.

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

Comprehensive Plan Report:
Mr. Warlick reported on Planitulsa and stated that the results of the surveys are online now.

Mr. Warlick described the four scenarios for future development of Tulsa.

Director's Report:
Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported on the receipts for TMAPC for April 2009 and indicated that the receipts are slightly under April's of last year.

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Minutes:
Approval of the minutes of May 6, 2009 Meeting No. 2547
On **MOTION** of **LEIGHTY,** the TMAPC voted 10-0-0 (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of May 6, 2009, Meeting No. 2547.

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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.

2. **LC-169** - Dustin & Amanda Harris (9107)/Lot Combination (County)

   West of South 167th Avenue and East of South 168th Avenue, 16707 West 167th Avenue

3. **LS-20290** – Robert Buss (0407)/Lot-Split (PD16) (CD3)

   East of North Mingo Road and South of East 56th Street North, 9726 56th Street North

4. **LS-20300** – David Polson (8210)/Lot-Split (PD8) (CD 2)

   Northeast corner of West 77th Street and South Xenophon Avenue, 2007 West 77th Street

5. **PUD-557-A/Z-5620-SP-11 – Tulsa City/County – Hardesty Library** (PD-18) (CD-8)

East of southeast corner of East 93rd Street South and South Memorial Drive (Detail Site Plan for expansion of the existing parking lots at the Hardesty Regional Library.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for expansion of the existing parking lots at the Hardesty Regional Library.

With the addition of 130 parking spaces there will be 367 spaces provided for the library and associated children's theater. With this expansion the site will continue to meet all applicable open space, landscaping and parking area setback requirements. Access to the site will continue to be from East 93rd Street. Parking has been provided in excess of the applicable Use Unit of the Zoning Code. Additional landscaping is being provided, with the overall landscape plan exceeding the requirements of the PUD and landscape chapter of the Zoning Code.

All site lighting is limited to 12 feet in height within 120 feet of the east boundary line. All other site lighting is limited to 25 feet in total height. All lighting is directed down and away from adjoining properties.

Staff recommends **APPROVAL** of the detail site plan for expansion of the parking lots at the Hardesty Regional Library, PUD-557-A.

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

Ms. Cantrell indicated that Items 6 through 10 will be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On **MOTION** of **LEIGHTY**, the TMAPC voted 10-0-0 (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda item 2 through 5 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

6. **PUD-472-4 – Messick Mini-Storage** (PD-18) (CD-9)

East of the southeast of Peoria Avenue and 58th Street South (Minor Amendment to add Community Center only to an existing mini-storage facility.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add Community Center only, within Use Unit 5 – Community Services and Similar Uses, to an existing mini-storage facility. The proposed use is a use permitted by right in a CS-zoned district the underlying zoning of PUD-472.

Section 107, H-15 of the Tulsa Zoning Code allows for changes in use within a PUD to be done with a minor amendment, so long as the change in or addition of the use is a use permitted by right by the underlying zoning district and the change in use "does not result in any increase of incompatibility with the present and future use of the proximate properties". The properties to the west and north are zoned CS, to the east RM-2 and to the south RS-3.

The storage facility is 17,150 square feet (SF). The applicant is requesting that 1,600 SF or 9% of the floor area of the facility be dedicated to the additional use, which will include the meeting room, a pass-through kitchen designed for caterers and restrooms as required by Code (see Exhibits A and B). The kitchen will not be equipped for on-site preparation of food and would be equipped with an ice maker, refrigerator and sink only.

The meeting room would be limited to the number of people it will hold (50) and will have excessive insulation and sheet rock per Exhibit C providing extra sound insulation. The nearest single-family structure is located approximately 350 feet to the south. The site is surrounded by a 4" thick, 6-foot high concrete wall. Sufficient parking will be provided to ensure no cars will be parked on neighboring streets.

Provided the aforementioned, staff feels the conversion of 1,600 SF of storage space into meeting space will not result in any increase of incompatibility with the present and future use of the proximate properties. Therefore, staff recommends **APPROVAL** of minor amendment PUD-472-4. The TMAPC approved this minor amendment (11-0-0) with the condition that events will be held no later than midnight on weeknights, and no later than 1:00 am on weekends.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On **MOTION** of **LEIGHTY**, the TMAPC voted 10-0-0 (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-472-4 per staff recommendation, subject to the time limitations that were set by the Planning Commission.

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Item 7 will be heard with Item 13.

8. **PUD-714-A – Sack and Associates/Mark Capron** (PD-26) (CD-2)

South of the southeast corner of South College Avenue and East 103rd Street South (Minor Amendment to add Use Unit 2 – Area Wide Special Exception Uses to allow for a private club/pool and pool house.) (Related to Item 9.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-714 to add Use Unit 2 - Area Wide Special Exception Uses. The addition of Use Unit 2 would allow for a private club/pool and pool house to be located on one of the lots (Lot 20, Block 3) within the subdivision for exclusive use by the residents of the Riverview Park Estates subdivision (see Exhibit A). The pool and pool house would not be open to the general public. Associated with this request is a detail site plan for the aforementioned pool and pool house also appearing on the May 20, 2009 agenda of the TMAPC.

Since the pool and pool house would be used privately by the residents of Riverview Park Estates, would be maintained by the homeowners association, and the minor amendment request is supported by residents currently living in the subdivision (much of which is still under construction – see Exhibit B), staff recommends **APPROVAL** of minor amendment PUD-714-A-1.

The TMAPC approved this minor amendment with the condition that private club/swimming pool within Use Unit 2 – Area Wide Special Exception Uses be the only use within Use Unit 2 allowed on the lot described above.

TMAPC COMMENTS:
Ms. Cantrell wanted to add that the Planning Commission limits the use unit to specifically to pools.

Ms. Cantrell indicated that Item 8 and 9 should be considered together.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On **MOTION** of **MIDGET**, the TMAPC voted 10-0-0 (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minor amendment for PUD-714-A-1, subject to Use Unit 2 to be only for the pool as recommended by staff.

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9. **PUD-714-A – Sack and Associates/Mark Capron** (PD-26) (CD-2)

South of the southeast corner of South College Avenue and East 103rd Street South (Detail Site Plan for a 625 square foot pool house and outdoor pool for exclusive use by the residents of Riverview Park Estates.) (Related to Item 8.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 625 square foot pool house and outdoor pool for exclusive use by the residents of Riverview Park Estates. Associated with this case is minor amendment PUD-714-A-1 which also appears on the May 20, 2009 agenda of the TMAPC. The minor amendment request is to allow the accessory use, Use Unit 2 – Area Wide Special Exception Uses, to permit the private use of the pool by residents of the subdivision only. The pool would not be open to the general public.

The submitted site plan meets all applicable open space, building height and setback limitations. Access to the site is provided from S. College Ave. Parking has been provided per the applicable Use Unit of the Zoning Code. A 6' security fence will be constructed along the north, south and east boundary lines of the lot. Landscaping is provided per the landscape chapter of the Zoning Code. Any sight lighting will be directed down and away from adjoining properties. Sidewalks will be provided along South College Ave. as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for Lot 20, Block 3 – Riverview Park Estates.

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

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On **MOTION** of **CARNES**, the TMAPC voted 10-0-0 (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the detail site plan per staff recommendation.

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10. **PUD-761 – Ron Cardwell, PE/CVS Pharmacy, Inc.** (PD-6) (CD-9)

Southeast corner South Harvard Avenue and 41st Street South (Detail Site Plan for a 13,062 square foot CVS Pharmacy.)

STAFF RECOMMENDATION:

There has been a request for a continuance from the neighborhood association. There is a private agreement in the covenants that requires that the detail site plan be reviewed by the homeowners association prior to the approval of the Planning Commission.

There were no interested parties wishing to speak.

Staff requested that this item be continued to June 3, 2009 in order to prepare the staff recommendation if there are any changes from the neighborhood meeting.

Applicant's Comments:
John Featherstone, no address given, stated that he did request the first continuance and is in agreement with the second continuance to allow the neighborhood to see the plans prior to approval. He requested that action be taken on June 3rd and that there be no more continuances.

TMAPC COMMENTS:
Mr. Leighty questioned building height.

Discussion ensued regarding building height and it was determined that this discussion should take place during the public hearing on June 3rd.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On **MOTION** of **CARNES**, the TMAPC voted 10-0-0 (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** the detail site plan for PUD-761 to June 3, 2009.

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PUBLIC HEARING

11. **St. John Tulsa Federal Credit Union –** (9307) (PD 4) (CD 4)
Preliminary Plat

Northwest corner of East 13th Place and South Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on .545 acres.

The following issues were discussed May 7, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 762. The PUD standards must be shown in the plat covenants. Comments from Traffic Engineering (as shown attached) remain the same as they were for the PUD approval.

2. **Streets:** Add standard sidewalk language for sidewalk to be constructed. No comment.

3. **Sewer:** The four-foot fence easement located along the north boundary line of the plat must be located far enough away from the existing sanitary sewer line to allow a minimum of 7.5 feet of separation between the centerline of the sewer pipe and the edge of the footing for the wall. In Section 1 H, in the first line after the word Landscaping, add Walls & Screening Fences to the items that must be repaired at the expense of the owner. In Section II B 7, no portion of the proposed wall, including the footing, shall be constructed closer to the existing sanitary sewer line than 7.5 feet from the centerline of the pipe. Pre-cast panels that could be removed from the fence for easement maintenance work were suggested.

4. **Water:** No comment.

5. **Storm Drainage:** Drainage from this site will not be allowed to flow to adjacent residential lots. Section 1 C and E did not have the standard language, and must be corrected. The specific subsections are C2, 3, and 4 and E. The standard language has been attached to these comments. Areas

outside of the parking lot curbing cannot be increased in height or slope towards the adjacent residential properties.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.

7. **Other: Fire:** No comment.

   GIS: Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat. Locate and label the Broken Arrow Expressway on the location map. Tie the plat from a section corner using bearings and distances from a labeled point of commencement (POC) to the labeled point of beginning identification of all monuments to be set or found in making the survey shall be shown to assure the reestablishment of any point or line of the survey. Submit a subdivision control data form (Appendix D), last page of the Subdivision Regulations for the Tulsa Metropolitan Area, in which the first point shall be the point of beginning (POB) with two other points on or near the plat's boundary.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

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.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On **MOTION** of **CARNES**, the TMAPC voted 10-0-0 (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the preliminary plat for St. John Tulsa Federal Credit Union, subject to special conditions and standard conditions per staff recommendation.

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12. **Peoples' Bank of Carbondale –** (9234) Plat Waiver (PD 8) (CD 2)
Southeast corner of 33rd West Avenue and I-44

STAFF RECOMMENDATION:

The platting requirement is being triggered by a commercial (CS) rezoning for parking for an excess 35-foot strip of Oklahoma Department of Transportation (ODOT) leased by the applicant.

Staff provides the following information from TAC at their May 7, 2009 meeting:

ZONING:
TMAPC Staff: Staff does not object to the plat waiver for the previously platted property.

STREETS:
Sidewalk must be constructed if none currently existing.

SEWER:
No comment.

WATER:
No comment.

STORM DRAIN:
Offsite/public drainage, which flows across this site, must be placed in an overland drainage easement, and all culverts conveying this drainage must be placed in a storm sewer easement. These may be provided by separate instrument easements, and do not require a plat.

FIRE:
No comment.

UTILITIES:
No comment.

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

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

		Yes	***NO***
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:

		YES	**NO**
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.	
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.?	
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

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 **MCARTOR**, the TMAPC voted 10-0-0 (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the plat waiver for People's Bank of Carbondale per staff recommendation.

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13. **PUD-739-1 – Tulsa Engineering and Planning/Tim Terral –** Sidewalk Waiver (PD 8) (CD 2)

Northwest of northwest corner of 81st Street South and Elwood Avenue (Related to Item 7.)

STAFF RECOMMENDATION:

The applicant is requesting to waive the sidewalk requirement in a part of the Reserve at Stonebrooke Subdivision Plat. The Preliminary Plat was approved for this addition on June 10, 2007.

The consulting engineer and owners of the project met with Development Services and staff in April to discuss this request. Staff is in agreement that we can support the partial waiver for this subdivision plat with the fee-in-lieu of alternative for this part of the addition.

TMAPC COMMENTS:

Ms. Cantrell stated that it would be appropriate to have a crosswalk where the sidewalk ends and pedestrians will have to cross the street.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY,** TMAPC voted **8-2-0** (Cantrell, Carnes, Keith, Leighty, Marshall, Midget, Shivel, Wright "aye"; McArtor, Walker "nays"; none "abstaining"; none "absent") to **DENY** the sidewalk waiver for PUD-739-1.

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7. **PUD-739-1 - Tulsa Engineering and Planning/Tim Terral** (PD-8) (CD-2)

North of the northwest corner West 81st Street and Houston Avenue (Minor Amendment to waive 184 lineal feet of sidewalk located on north side of West 80th Street South at the entrance to the Reserve at Stonebrook.) (Related to Item 13.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to waive 184 lineal feet of sidewalk located on the north side of West 80th Street South, just west of South Houston Avenue at the entrance to the Reserve at Stonebrook. The applicant is requesting to pay the fee0in-lieu of the 184' of sidewalk and is not requesting to waive the entire sidewalk requirement per PUD and subdivision regulations.

The applicant is making the request citing topographic conditions along the 184 lineal feet of West 80th Street South. Exhibits C through E are photographs of

the area in question. Notice on Exhibit D, the distance between the curb and the edge of the grass. The edge of the grass is actually the upper limits of the detention pond, and represents an area approximately three feet wide. The slope in this area is estimated to be a drop off of about 3 – 4 feet (±). This drop off, combined with the availability of a three-foot strip of land would make the installation of a minimum four-foot wide sidewalk impractical.

Given that the request is for the fee-in-lieu of 184' of sidewalk in a development with an extensive sidewalk system as depicted on Exhibit A, staff recommends **APPROVAL** of minor amendment PUD-739-1, waiving 184 lineal feet of sidewalk near the entrance to the Reserve at Stonebrook only, in exchange for the fee-in-lieu of sidewalk to be paid to the City of Tulsa.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

Applicant's Comments:
Tim Terral, Tulsa Engineering and Planning Associates, 6737 South 85th East Avenue, stated that he is in agreement with staff's recommendation and agrees with striping for a cross walk.

TMAPC COMMENTS:
Mr. Leighty stated that he will have a hard time approving this amendment. He commented the sidewalk may be impractical, but not impossible.

Mr. Terral stated that he supposed with a fairly good expense a sidewalk could be installed there, which would involve a retaining wall.

Mr. Leighty stated that this concerns him because it is located at the entrance of the subdivision. It would be one of the higher traffic areas in the neighborhood. The homeowners are the ones who would be using the sidewalk and ultimately the ones who would pay for this. The east 60 feet of the subject area is fairly level and it would need a retaining wall. He would be willing to allow the sidewalk to be narrowed to two feet rather than the four feet requirement. The cost would be spread out among the subdivision lots and it is a large development. He encouraged the applicant to reconsider and install a sidewalk. Mr. Leighty stated that the Planning Commission is trying to stay consistent with the sidewalk requirements.

Mr. Terral stated that he believes that topography does create problems for the sidewalk. Residents will have to cross the street anyway because the sidewalk will terminate and there is no gate.

In response to Mr. Leighty, Mr. Terral stated that the wall can't be built because of the pond and there is no room for a gate either. It would be safer to cross farther into the development than near the front of the development. He doesn't

believe it is an expense problem, but a practical matter. The pond is not a detention pond and could be filled a little, but he believes that the waiver makes more sense. He doesn't personally feel that it is a tremendous impact on pedestrians or homeowners in the subject area.

Mr. Leighty commented that if people have to cross at the cul-de-sac, then they would have to cross in two different places and it would be safer to have the sidewalk in place and keep them out of the middle of the road.

Mr. Terral reiterated that the sidewalk would be difficult to build with the existing topography.

Mr. Leighty stated that it is really the money issue. In response, Mr. Terral stated that Mr. Leighty can say it is the money, but that is a throwing a blanket over the whole thing. It is not just the money. It would be difficult to go back and put in fill. It would increase the slopes of the pond and increase the erosion problems. Mr. Terral stated that the contractor built the pond and there was some mistakes made and that is what he has to deal with.

Mr. Leighty stated that the contractor should be held responsible and make him put the fill back in there. He believes that there should be a sidewalk in place. We have a town right now that doesn't have enough sidewalks in because there was no attention paid to it and now we are trying to catch up. Sidewalks have to start somewhere and he believes that there should be one here.

Wright stated that she would be in support of Mr. Leighty's comments. Sidewalk easements should have been in the plan and she would heartily support sidewalks in this area.

Mr. Marshall stated that a retaining wall could be put in there and the developer should have been paying more attention. There would probably be about 50 feet to 60 feet of retaining wall and then come from the back and have a sidewalk all the way around.

Ms. Cantrell stated that she is a big sidewalk advocate and she appreciates Mr. Leighty's comments. Sidewalks are required and it is okay to not always have them on both sides if there is a good reason not to. She doesn't see where this would be such a big imposition to have someone cross the street. It is okay to require the sidewalk, but strollers will not fit on sidewalks less than four feet wide.

Mr. Leighty stated that there would only be 30 to 50 feet that would be narrowed to two feet. If he were walking with a stroller, he would prefer to be on a sidewalk rather than a street. If a stroller doesn't fit on four feet, then it shouldn't be narrowed down to two feet. There would be nothing to prevent someone from crossing the street if they would like to avoid the two-foot sidewalk.

Commissioner Keith stated that she believes people would like to walk by a water feature and there should be a sidewalk there.

Ms. Cantrell informed Mr. Leighty that if he would like to make a motion to require sidewalks, they should be at least three feet in width.

TMAPC Action; 10 members present:
On **MOTION** of **LEIGHTY,** TMAPC voted **8-2-0** (Cantrell, Carnes, Keith, Leighty, Marshall, Midget, Shivel, Wright "aye"; McArtor, Walker "nays"; none "abstaining"; none "absent") to **DENY** the minor amendment for PUD-739-, and allow a reduction of three feet in width for the sidewalk as modified by the Planning Commission.

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14. **Z-7133 – Wallace Engineering/Hardesty Building** **OL/IM to CH**

North of northeast corner East 11th Street and South Wheeling Avenue (PD-4) (CD-4)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: CH **PROPOSED USE:** Warehouse

RELEVANT ZONING HISTORY:
BOA-19437 August 27, 2002: The Board approved a Special Exception to permit the Center for Individuals with Physical Challenges under Use Unit 5, in the IM and RM-3 zoning district; a Special Exception to permit required off-street parking to be located on a lot other than the lots containing the new Center building; a Variance of the building setback required in an IM zoning district from the centerline of S. Utica Ave. from 85' to 55' for approximately 75'; a Variance of the building setback required in an IM zoning district from the centerline of E. 8th St. in two locations from 50' to 30'; a Variance of the building setback required in an RM-3 district from the centerline of 8th St. from 50' to 30'; a Variance of the building setback required in an IM district abutting an R district from 75' to 0'; a Variance of the required off-street parking area setback of the off-street parking area in the IM district within 50' of an R district from 50' to 0'; a Variance of the requirement that 15% of the required street yard on E. 8th St. be established and maintained as a landscaped area; and a Variance to permit the required number of trees within a street yard to be located throughout the Center site, per plan, finding this to be compatible with the neighborhood, with multiple hardships, located on the south side of East 8th Street between South Utica Avenue an

South Wheeling Avenue and abutting west of subject property across Wheeling Avenue.

PUD-432-E September 2000: All concurred in approval of a request for a Major Amendment to PUD-432 to add land to existing PUD; to reallocate floor area from the original PUD to the new area; and to add Use Unit 13, Convenience Goods and Services, and Use Unit 14, Shopping Goods and Services as allowed uses within the new Development Area C area; locate between South Utica Avenue and South Victor Avenue, from East 11th Street to East 12th Street.

PUD-432-D August 1995: All concurred in approval of a major amendment to expand the existing PUD to the east allowing for additional medical office and hospital buildings. The property is located between Utica and Xanthus Avenues from East 11th Street to East 13th Street.

PUD-432 November 1987: All concurred in approval to develop 4.5 acres located between South Utica Avenue and South Victor Avenue, from East 12th Street to East 13th Street for hospital and office uses.

BOA-12082 July 22, 1982: The Board of Adjustment approved a Variance to permit storage of furniture (warehouse) for an abutting furniture sales company, on property located north of the northeast corner of South Wheeling Avenue and East 11th Street and the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .313± acres in size and is located north of the northeast corner of East 11th Street and South Wheeling Avenue. The property appears to be partially vacant and partially in use as storage and is zoned OL/IM.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Wheeling Avenue	N/A	N/A	2

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by a parking lot for an adjacent garage to the south, zoned OL/IM; on the north by trailer storage and some accessory buildings, zoned IM; on the south by Hardesty Press and a beauty salon, zoned CH; farther east and southeast of the site is a discount store, zoned CH; and on the west by a single-family residential use and Murdock Villa, zoned CG/RM-3. The entire area, overall, is a mixed industrial use, with single-family and institutional uses scattered within it.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The District 4 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within an Industrial Special District. According to the Zoning Matrix, the requested CH zoning **may be found** in accord with the Plan.

STAFF RECOMMENDATION:
This is planned to be a warehouse, and may already be in use as such. Based on the Comprehensive Plan, trends in the area and the adjacency to existing CH zoning, staff can support the requested rezoning and recommends **APPROVAL** of CH zoning for Z-7133.

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** (Cantrell, Carnes, Keith, Leighty, Marshall, Shivel, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the CH zoning for Z-7133 per staff recommendation.

Legal Description for Z-7133:
Lots 4 and 5, Block 2, Clover Ridge addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From OL/IM (Office Low Intensity/Industrial Moderate) To CH (Commercial High Intensity).**

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OTHER BUSINESS:

15. **City Council Consensus 2009-3 – directing the TMAPC to hold public hearings, analyze and recommend to the City Council ordinance amendments to the Zoning Code of the City of Tulsa governing the development of properties over or around land containing underground pipelines.**

STAFF RECOMMENDATION:

Ms. Matthews reminded that this item was discussed in an earlier worksession. The City has requested a progress report on evaluating this issue. Staff needs direction from the Planning Commission if they would like to set this for a public hearing.

TMAPC COMMENTS:
Ms. Cantrell stated that the Planning Commission discussed having staff write a letter to the City Council for further clarification of what they are wanting from this study. In response, Ms. Matthews stated that she has created a letter and if the Planning Commission would like staff to mail it, she will do so.

In response to Ms. Cantrell, Ms. Matthews stated that possibly this issue would be better addressed through the Subdivision Regulations.

Mr. Alberty stated that pipeline companies determine leaks by flying over the pipelines. If a developer covers the pipelines with parking, it would be difficult to check for leaks and it becomes a public safety issue. The best thing to do is to hold a public hearing and get input from the public and industry.

TMAPC Action; 10 members present:
On **MOTION** of **MCARTOR,** TMAPC voted **10-0-0** (Cantrell, Carnes, Keith, Leighty, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the Planning Commission directing staff to compose a letter to the City Council for clarification to what they want the Planning Commission to find and to set City Council Consensus 2009-3 for a public hearing on August 26, 2009.

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16. **City Council Consensus 2009-6 – directing the TMAPC to hold public hearings, analyze and recommend to the City Council ordinance amendments to the Zoning Code of the City of Tulsa governing screening requirements for outhouses or temporary latrines in residentially zoned areas for more than six months.**

STAFF RECOMMENDATION:

Ms. Matthews read the consensus from the City Council. She indicated that she has done some research and there is little information available. This would probably be an issue for the Permitting Office.

TMAPC COMMENTS:
Ms. Cantrell stated that she understands that screening could be a problem with regard to access and servicing the latrines.

Ms. Matthews stated that there are many limitations to where the latrine can be located.

Mr. Midget suggested that a letter is sent to the City Council and explain that it is a permitting issue and that they could have the public hearing.

Mr. Walker recommended that this is sent to the City Council and ask them to send this issue to the Permit Office.

Mr. Leighty stated that he believes that the Planning Commission should have a public hearing to hear all of the sides and report it back to the City Council.

Ms. Cantrell stated that she doesn't disagree with that and it wouldn't cost anything to hold the public hearing. She believes that the Planning Commission should hold the public hearing since the City Council requested it.

Ms. Matthews stated that she wouldn't want to get people's hopes up that since there is a public hearing being held, something will be done about these temporary latrines.

Mr. Midget expressed concerns that the public hearing would give people false hope that something can be done by the Planning Commission.

Ms. Wright believes that some issues could come forward from a public hearing that could help with this issue.

Ms. Cantrell stated that she wouldn't want to give false hope, but perhaps location of the latrines could be discussed. She believes that the Planning Commission should hold the public hearing as requested by the City Council since it doesn't cost anything to do so.

Mr. Marshall stated that this is a permitting issue and he doesn't believe the Planning Commission needs to get into this. Permitting could hold a public hearing.

Mr. Steele confirmed that Permitting can hold a public hearing.

In response to Ms. Cantrell, Mr. Steele explained that temporary latrines have to meet the City requirements. Neighborhood Inspections will check to see if they are in compliance and respond to any complaints. He further explained that special events are sometimes permitted by Tulsa Police Department or the Permitting Office.

Mr. Marshall stated that he has never dealt with the location of the portable latrines. He simply calls the supplier and he deals with the location and permitting.

TMAPC Action; 10 members present:
On **MOTION** of **LEIGHTY,** TMAPC voted **7-3-0** (Cantrell, Carnes, Keith, Leighty, Midget, McArtor, Wright "aye"; Marshall, Shivel, Walker "nays"; none "abstaining"; "absent") to **APPROVE** the setting a public hearing for City Council Consensus 2009-6 for September 23, 2009.

Commissioners' Comments

Ms. Cantrell reminded the Planning Commission that INCOG will be moving next week. She further reminded the Planning Commission that she will be out May 27, 2009 and Mr. Shivel will be chairing the meeting.

Mr. Shivel thanked INCOG for funding and allowing Planning Commissioners to attend the Oklahoma Municipal League seminars.

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There being no further business, the Chair declared the meeting adjourned at 2:50 p.m.

Date Approved: 6-19-09

Michelle Cantrell

Chairman

ATTEST: JoAnn G. Walker

Secretary