

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2578

Wednesday, May 19, 2010, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	McArtor	Alberty	Boulden, Legal
Carnes	Wright	Bates	Steele, Sr. Eng.
Dix		Fernandez	Warlick, COT
Leighty		Huntsinger	Carr, COT
Liotta		Matthews	
Marshall		Sansone	
Midget			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 13, 2010 at 11:45 a.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:

Work Session Report:

Ms. Cantrell reported that there will be a work session immediately following the TMAPC regular meeting today.

Comprehensive Plan Report:

Mr. Warlick, Planner for the City of Tulsa Planning Department, reported that the new changes have been made and City staff is currently reviewing the material at this time.

Director's Report:

Mr. Alberty reported on the TMAPC receipts for the Month of April 2010. The money taken in for the City has increased considerably for April. The County was level; however, the funds are still under this time last year.

Mr. Alberty reported that the receipts do not reflect the number of phone calls that staff is now handling. The phone calls have increased considerably since the City's layoffs in Development Services. INCOG staff has been receiving more calls that would routinely go to the City and staff tries to help in any that they can.

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

Minutes:

Approval of the minutes of April 21, 2010 Meeting No. 2576

On **MOTION** of **LEIGHTY**, the TMAPC voted 9-0-0 (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; McArtor, Wright "absent") to **APPROVE** the minutes of the meeting of April 21, 2010, Meeting No. 2576.

Minutes:

Approval of the minutes of April 28, 2010 Special Meeting – PLANiTULSA (public hearing cont'd)

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-1 (Cantrell, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; Carnes "abstaining"; McArtor, Wright "absent") to **APPROVE** the minutes of the meeting of April 28, 2010, Special Meeting – PLANiTULSA (public hearing cont'd).

Minutes:

Approval of the minutes of April 28, 2010 Special Meeting – PLANiTULSA (maps, consent agenda, comment log, etc.)

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-1 (Cantrell, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; Carnes "abstaining"; McArtor, Wright "absent") to **APPROVE** the minutes of the meeting of April 28, 2010, Special Meeting – PLANiTULSA (maps, consent agenda, comment log, etc.).

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.

4. **LS-20371** – Larry Johnson (9318) Lot-split (PD6) (CD9)
West of the Northwest corner East 27th Street and South Rockford Road, 1365 E. 27th Street (Related to Item 5.)
5. **LC-247**– Larry Johnson (9318) Lot Combination (PD6) (CD9)
West of the Northwest corner East 27th Street and South Rockford Road, 1365 E. 27th Street (Related to Item 4)
6. **LS-20366** – Mexican Bakery of Tulsa (9406) Lot-split (PD5) (CD6)
South of the Southwest corner of East Admiral Place and South Garnett Road, 40 South Garnett Road.
7. **LS-20367** – HRAOK (Dwayne Wilkerson) (0431) (PD16) (CD6)
(Cont. from 5/4/2010)
Southwest corner of East Independence Street and North Garnett Road (Related to Item 8.)
8. **LC-236** – HRAOK (Dwayne Wilkerson) (0431) (Cont. (PD16) (CD6)
from 5/4/2010)
Southwest corner of East Independence Street and North Garnett Road (Related to Item 7.)
9. **PUD-306-H – Douglas Huber** – Detail Site Plan (PD-18) (CD-2)
South of Southwest corner of 96th Street South and South Riverside Drive (Detail Site Plan for a 14,371 square foot medical office building and clinic.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 14,371 square foot medical office building and clinic. The proposed use, Use Unit 11 – Offices, Studios and Support Services is a permitted use in PUD-306-H.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided via mutual access easement from Riverside Drive. Parking has been provided per the applicable Use Unit of the Zoning Code. Landscaping is provided per PUD requirements and the landscape chapter of the Zoning Code. All sight lighting, including building mounted, is limited to 16' in height and will be directed down and away from adjoining properties. A trash enclosure has been provided as required by the PUD.

Staff recommends **APPROVAL** of the detail site plan for Lot 4, Block 1 – Riverside Market II Amended.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; McArtor, Wright "absent") to **APPROVE** the consent agenda Items 4 through 9 per staff recommendation.

PUBLIC HEARING

11. **CBOA-2369** – (7224) Holy Apostles Church of Tulsa, (County)
Inc., Plat Waiver
15710 South Peoria Avenue

STAFF RECOMMENDATION:

This request was continued by the County Board of Adjustment to June 15, 2010; therefore, staff is requesting a continuance to June 16, 2010.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; McArtor, Wright "absent") to **CONTINUE** the plat waiver for CBOA-2369 to June 16, 2010.

10. **Oklahoma Oncology** – (9430) Minor Subdivision Plat (PD 18) (CD 6)
Southwest corner of East 48th Street South and South Garnett Road

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 9.5 acres.

The following issues were discussed May 6, 2010 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 312 (IL). PUD standards must be included in the Covenants and followed in the plat. A minor amendment to allocate floor area has been approved.
2. **Streets:** Access widths must be limited to 36 feet each. Add standard language for sidewalks. Show driveways and sidewalks.
3. **Sewer:** The existing 24-inch sanitary sewer trunk is approximately 20 feet deep within the existing 20-foot sanitary sewer easement. Therefore, the entire existing easement area is necessary for maintenance of the sewer pipe, and no overlay of utility easement will be allowed. Locate the required perimeter utility easement so that it will not interfere with the City's use of the sewer easement. No service connections will be allowed on the existing 24-inch main. An eight-inch mainline extension will be required for your service connections. Access must be provided for both proposed lots.
4. **Water:** Should additional water lines be needed within the site development for fire hydrant coverage, then an Infrastructure Development Plan project may be required.
5. **Storm Drainage:** the drainage easement should be an overland drainage easement. Reduce the size of the overland drainage easement to remove the drainage, sewer n and maintenance easements located at the very southern tip of Lot 2. Add a section for roof drainage.
6. **Utilities: PSO, Telephone, ONG, Cable:** No comment.

7. **Other: Fire:** Based on the size of the lots shown and actual locations of the buildings additional fire hydrants may be required to meet the guidelines of the International Fire Code. Verify that the maintenance easement, established in book 5482, page 1743, located at the southern tip of the property has been properly identified. It is an unusual shape. Standard language has not consistently been used. Get the standard language off of the City website and verify that each section uses the latest language. Section 1 H assumed to mean overland drainage easement refers to multiple lots which would require the easement be placed in a reserve and that a lot owners association be created for maintenance. If this is not the intent then use the standard overland drainage easement language found on line. Label all subdivisions within the mile section of the location map. Add a scale to location map. Increase text size. Add date of preparation. Provide CA number and renewal date for the engineer. Submit subdivision control data form. Fix inconsistencies in legal description and face of plat.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and PUD requirements 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.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; McArtor, Wright "absent") to **APPROVE** the minor subdivision plat for Oklahoma Oncology, subject to special conditions and standard conditions per staff recommendation.

13. **LC-249**– Mike Marrara (Harden & Assoc.) (9031) Lot- (County)
Combination

North of the northeast corner of South 265th West Avenue and West 55th
Street South, 5425 S. 265th West Avenue (Related to Item 12.)

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; McArtor, Wright "absent") to **APPROVE** the lot-combination for LC-249 per staff recommendation.

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12. **LS-20373**– Mike Marrara (Harden & Assoc.) (9031) Waiver of (County)
Subdivision regulations for more than three side lot lines

North of the northeast corner of South 265th West Avenue and West 55th
Street South, 5425 S. 265th West Avenue (Related to Item 13.)

STAFF RECOMMENDATION:

The Lot-split proposal is to split 2.11 acres +/- from an existing 4.33 acre +/- tract creating a 2.12 acre +/- remainder tract. The related Lot-Combination is found on the Consent Agenda as LC-249. The proposed tracts meet the RS-3 bulk and area requirements of the Tulsa County Zoning Code.

One of the resulting tracts would have more than three side lot lines as required by the Subdivision Regulations. The applicant is requesting a waiver of the *Subdivision Regulations* that no tract have more than three side lot lines.

The Technical Advisory Committee expressed no concerns at their May 6, 2010, meeting.

Staff believes this lot-split would not have an adverse affect on the surrounding properties and recommends **APPROVAL** of the waiver of *Subdivision Regulations* and of the lot-split.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; McArtor, Wright "absent") to **APPROVE** the waiver of *Subdivision Regulations* and of the lot-split for LS-20373 per staff recommendation.

- 14. **LS-20370** – Mark Bradley Bickerstaff (2433) Lot-split (County)
 East of the northeast corner of North 139th East Avenue and East 126th Street North, 14103 East 126th Street North

STAFF RECOMMENDATION:

The Lot-Split proposal is to split .75 acres +/- from an existing 7.86 acre +/- tract resulting in a 7.11 acre +/- remainder tract. One of the resulting tracts does not meet the AG bulk and area requirements of the Tulsa County Zoning Code. This tract requires a variance of the minimum lot size (2 acres) and land area (2.1 acres) required in an AG district (Section 310) to permit a lot split via the County Board of Adjustment.

The County Board of Adjustment denied this item on May 18, 2010 and therefore staff is recommending denial as well.

TMAPC COMMENTS:

Ms. Cantrell stated that the Planning Commission has no authority to approve this lot-split because it doesn't meet the bulk and area requirements and the applicant didn't receive the variance requested before the County Board of Adjustment.

There were no interested parties wishing to speak.

The applicant was not in attendance.

Mr. Alberty stated that the applicant was informed that this would be denied due to the County Board of Adjustment denying the variance request.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; McArtor, Wright "absent") to **DENY** the lot-split for LS-20370 per staff recommendation.

OTHER BUSINESS:

Commissioners' Comments

Ms. Cantrell stated that she would like to start training sessions again. If anyone has any suggestions, please let her know.

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

Date Approved:

JUNE 16, 2010

Philip E. Marshall

ACTING - Chairman

ATTEST:

John G. Walker

Secretary

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