

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2512

Wednesday, April 23, 2008, 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	McArtor	Fernandez	Ackermann, Legal
Cantrell		Huntsinger	
Carnes		Matthews	
Marshall		Parker	
Midget		Sansone	
Perry			
Shivel			
Sparks			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 17, 2008 at 3:30 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 Ard called the meeting to order at 1:30 p.m.

### **REPORTS:**

#### **Chairman's Report:**

Mr. Ard reminded the Planning Commissioners about the seminar "What About Rails."

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

Ms. Matthews reported on the BOCC and City Council agendas.

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**Minutes:**

**Approval of the minutes of April 2, 2008 Meeting No. 2510**

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Ard, Cantrell, Carnes, Marshall, Perry, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget "absent") to **APPROVE** the minutes of the meeting of April 2, 2008, Meeting No. 2510.

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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. **L20197** – Demetrius Thompson (8234)/Lot-Split (County)  
West of South 26<sup>th</sup> Avenue and South of 11<sup>th</sup> Street, 11214 South 26<sup>th</sup> West Avenue
3. **Plaza del Sol** – (8419) Final Plat (PD-18) (CD-8)  
Northeast corner of East 101<sup>st</sup> Street South and Mingo Road

**STAFF RECOMMENDATION:**

This plat consists of one lot in one block on 7.74 acres.

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

4. **PUD-136-A – Tanner Consulting, LLC** (PD-18B) (CD-8)  
East 76<sup>th</sup> Street South and Vandalia Avenue (Detail Site Plan for the replacement of the existing crash gates.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for the replacement of the existing crash gates located at Vandalia Avenue at 76<sup>th</sup> Street South. The proposed use is in conformance with Development Standards of PUD-136-A.

Vandalia Avenue was closed at the intersection of 76<sup>th</sup> Street South per Ordinance #13764 and filed on January 7, 1977 (See attached Exhibit A). The proposed replacement gates will not be placed in any public right-of-way and have received the approval of both the City of Tulsa Fire Marshall and Tulsa Traffic Engineering.

Therefore, staff recommends **APPROVAL** of the detail site plan for the crash gates located at Vandalia Avenue and East 76<sup>th</sup> Street South, PUD-136-A.

*(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** (Ard, Cantrell, Carnes, Marshall, Perry, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget "absent") to **APPROVE** the consent agenda Items 2 through 4 per staff recommendation.

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**PUBLIC HEARING**

6. **BOA-20670** – (9327)/Plat Waiver (PD-18B) (CD-7)  
North of East 51<sup>st</sup> Street and east of South Fulton Avenue

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a Special Exception (BOA 20670) to permit a church and related uses in an OL zoning district with a parking variance to be heard by the Board of Adjustment on April 22, 2008.

**Staff provides the following information from TAC at their April 3, 2008 meeting:**

**ZONING:**

TMAPC Staff: The Board of Adjustment will consider granting the Special Exception and parking variances at their April 22, 2008 meeting.

**STREETS:**

48<sup>th</sup> Place is a residential street with a minimum right-of-way requirement of 25 feet for each side. The existing right-of-way is 20 feet. Additional right-of-way of 5 feet is needed. Sidewalks required along 48<sup>th</sup> Place. No objection. Confirm an existing License Agreement for the parking lot encroachment.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORM DRAIN:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff is favorable towards the plat waiver per the TAC comments, but the TMAPC agenda preparation occurs before the Board reviews the Special Exception request on April 22<sup>nd</sup>. The Board may require other conditions that may affect the waiver recommendation resulting in a revised staff recommendation for TMAPC at the April 23, 2008 meeting.

***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

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

	YES	NO
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

X\* Development Services requests additional right-of-way.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Perry, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget "absent") to **APPROVE** the plat waiver for BOA-20670 per staff recommendation.

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**OTHER BUSINESS:**

- 7. **Endorsement of proposed Fee-In-Lieu Sidewalk Ordinance**

**STAFF RECOMMENDATION:**

Ms. Matthews stated that this has been discussed and the Planning Commission requested that this be on today's agenda for a recommendation of endorsement for this ordinance and transmittal of their endorsement to the City Council.

**TMAPC COMMENTS:**

Mr. Ard explained to Commissioner Perry that this ordinance would be for the City of Tulsa only. In response, Mr. Perry stated that this might be a good ordinance for the County as well.

Ms. Cantrell stated that she wouldn't want this to become a cure-all for developers who do not want to put in sidewalks. Sidewalks are important and should be installed when possible.

Mr. Ard stated that he is in agreement with Ms. Cantrell regarding sidewalks.

**TMAPC Action; 9 members present:**

On **MOTION** of **WRIGHT**, TMAPC voted **9-0-0** (Ard, Cantrell, Carnes, Marshall, Perry, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor, Midget "absent") to recommend **ENDORSEMENT** of the Fee-In-Lieu Sidewalk Ordinance to the City Council.

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**Commissioners' Comments**

Mr. Carnes stated that he has received several calls regarding the Conservation Districts that will be coming up before the Planning Commission at some point. Mr. Carnes indicated that in the past, to the best of his recollection, there were never enough people in any particular neighborhood, who supported or opposed it. He recommended that as long as the Planning Commission requires a PUD in infill this Planning Commission has the ability to keep that design compatible to a neighborhood.

Ms. Matthews stated that the Planning Commission can't require a PUD when someone wants to rezone their property. It can be strongly suggested that the applicant apply for a PUD, but there isn't a mechanism to require it. Mr. Carnes suggested that it become a requirement by changing the ordinance.

Mr. Ackermann stated that currently there isn't a mechanism to require a PUD.

Mr. Carnes reiterated that could there be change made to require a PUD in infill development.

Mr. Ackermann stated that he would have to check the State Statutes.

Ms. Cantrell stated that what INCOG did with the previous conservation district study was more of a discussion about the balance between commercial and neighborhoods. This is about new houses in existing neighborhoods and she doesn't believe you can convince someone building a new home to apply for a

PUD. The only issue she sees that the Planning Commission is moving forward for discussion is whether or not new infill is compatible with the neighborhood.

After a lengthy discussion, Mr. Ard announced that there is a subcommittee that will be meeting today to determine how to move this issue forward.

Mr. Perry thanked the Planning Commission for their tolerance of his absences when he is in Oklahoma City. Mr. Ard stated that the Planning Commission appreciates his attendance when possible.

Mr. Sansone stated that staff will not have the fee-in-lieu as an alternative to what is offered in PUD and Corridor developments. The Subdivision Regulations are going to require sidewalks and when there are special circumstances, such as Dr. Beller's property, then maybe they will start talking about fee-in-lieu of the sidewalk.

**Mr. Midget in at 1:48 p.m.**



Mr. Ard informed Mr. Midget that the Planning Commission has endorsed the fee-in-lieu sidewalk ordinance and will transmit their endorsement to the City Council.

Mr. Midget stated that it is a good public policy to have sidewalks.

Ms. Matthews requested Mr. Ard to state the members of the subcommittee.

Mr. Ard listed the following members: Ard, Cantrell, Marshall, Midget, and Wright. Mr. Ard stated that this is open to anyone who would like to attend.

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There being no further business, the Chair declared the meeting adjourned at 1:50 p.m.

Date Approved:

5/7/08  
[Signature]

Chairman

ATTEST:

[Signature]  
Secretary