

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1442
Wednesday, February 9, 1983, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Higgins Hinkle Kempe, 1st Vice- Chairman Miller Petty, Secretary C. Young T. Young	Gardner Hennage Parmele Inhofe	Chisum Compton Gardner	Linker, Legal Department

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, February 8, 1983, at 12:12 p.m., as well as in the Reception Area of the INCOG Offices.

Vice-Chairman Kempe called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Kempe, Miller, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, T. Young, Inhofe, "absent") to approve the minutes of January 26, 1983 (No. 1440).

REPORTS:

Report of Receipts and Deposits:

The Commission was advised that this report is in order.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Kempe, Miller, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, T. Young, Inhofe, "absent") to approve the report of receipts and deposits for the month ending January 31, 1983.

Comprehensive Plan Committee:

Commissioner Petty, as Chairman of the Comprehensive Plan Committee, reported that the Committee met preceding the Planning Commission meeting to discuss the FY'83 Capital Improvement requests. The Committee has certified that these requests are in conformance with the Comprehensive Plan, as per the memo submitted by Rita Henze of the INCOG Staff (Exhibit "A-2"). However, there was some discussion on Item #1 of the report. A copy of this report was distributed to the Commissioners (Exhibit "A-1"). Commissioner Petty reported that the Committee was concerned about the absence of requests for expressway right-of-ways, specifically in south Tulsa for the Creek Expressway.

Comprehensive Plan Committee (continued)

Mr. Pat Connelly of the City Development Department advised that this request is comprised of past requests for funding, plus an additional 50 new requests submitted by various City Departments. These will be ranked for funding in Fiscal Year 1984. The total funding of most of these projects will be phased over a 10-year period.

Commissioner C. Young also expressed the concern of funding for right-of-ways for the expressways. The Planning Commission is always confronted with the problem of development in the proposed right-of-ways. He would like to request that the City consider right-of-way purchases for the Creek Expressway between Memorial and the Arkansas River on 96th Street.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Kempe, Miller, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the submitted Capital Improvement Requests for FY'83 be approved and that these requests have been certified as being in conformance with the Comprehensive Plans.

MOTION was made by C. YOUNG, second by PETTY, to recommend to the Board of City Commissioners that a study be made by the Street Department and the City Engineer to consider the right-of-way purchases for the Creek Expressway between Memorial and the Arkansas River on 96th Street and this request be made a part of the Capital Improvements Funding request.

Commissioner Petty asked if the Commission would be considering an amendment to the Major Street and Highway Plan in the near future. Mr. Gardner assumed that an amendment would be presented to the Commission within the next 60 days. The Transportation Department will be studying alternatives to the expressway system.

Commissioner T. Young expressed a concern about including Osage Expressway right-of-way purchases also. Commissioner C. Young preferred not to include this because a major portion of the right-of-way for the Osage Expressway will be purchased by Tulsa County and Osage County.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-1 (Higgins, Hinkle, Kempe, Miller, Petty, C. Young, "aye"; no "nays"; T. Young "abstaining"; Gardner, Hennage, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that a study be made by the Street Department and the City Engineer to consider right-of-way purchases for the Creek Expressway between Memorial and the Arkansas River on 96th Street and this request be made a part of the Capital Improvements Funding request.

Mr. Connelly advised he would write a memorandum to the City Commission that would inform them of the Planning Commission's request.

Application No. 5791

Applicant: William H. Wilkins

Location: 1,300 feet West of Sheridan on 30th Street North

Present Zoning: IL

Proposed Zoning: RMH

Date of Application: December 20, 1982

Date of Hearing: February 9, 1983

Size of Tract: 5.53 acres

Presentation to TMAPC by: William H. Wilkins

Address: 7955 W. 69th E. Ave. - 74133

Phone: 496-0212

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the RMH District is in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located 1/4 mile west and 700 feet south of the intersection of Sheridan Road and 30th Street North. It is vacant, 5.53 acres in size, zoned IL and AG and the applicant is requesting RMH zoning. The tract is abutted on the north by vacant land zoned IL, on the east by a mixture of residential and industrial uses zoned RS-3 and IL, on the south by a single-family neighborhood zoned RS-3 and on the west by horse riding stables and accessory uses zoned IL, but approved for RMH (Z-5752).

Based on the above review, the Staff recommends APPROVAL of the requested RMH zoning, except for a 10-foot strip abutting the dedicated right-of-way (28th Street North) on the south to remain AG.

NOTE: The applicant will be required in the platting process to have no access from his tract to the single-family subdivision to the south.

Staff's Comments:

Mr. Gardner explained that when the tract was previously zoned IL, there was a 10' strip of AG left on the southern boundary for the express purpose of preventing a crossing through the AG to reach the dedicated street. He doubted a street would be approved through this strip because this is a drainage area. The single-family subdivision is already adversely affected without adding more traffic. The plat will include a stipulation of no access and there will probably be a screening fence requirement.

Applicant's Comments:

The applicant had no comments.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Higgins, Hinkle, Kempe, Miller, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RMH, EXCEPT

that a 10-foot strip abutting the dedicated right-of-way on the south (28th Street North) remain AG:

LEGAL DESCRIPTION PER NOTICE

That part of the Southeast Quarter (SE/4) of Section 22, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma being more particularly described as follows: to-wit: Commencing at the Northeast Corner of the Southeast Quarter of said Section 22; thence South $01^{\circ}17'47''$ East along the East line of said section a distance of 380.2 feet; thence South $88^{\circ}51'37''$ West a distance of 1,322.38 feet to the POINT OF BEGINNING: thence South $01^{\circ}21'10''$ East along the West line of Ten Foot (10') sanitary sewer easement a distance of 940.24 feet; thence North $88^{\circ}47'20''$ East a distance of 661.15 feet; thence North $01^{\circ}16'35''$ West a distance of 359.99 feet; thence South $88^{\circ}47'20''$ West a distance of 656.63 feet; thence North $01^{\circ}21'10''$ West along the center of Ten Foot (10') sanitary sewer easement a distance of 580.24 feet; thence South $88^{\circ}51'37''$ West a distance of 5.00 feet to the POINT OF BEGINNING, containing 5.53 acres more or less.

LEGAL DESCRIPTION PER PLANNING COMMISSION ACTION

That part of the Southeast Quarter (SE/4) of Section 22, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma being more particularly described as follows: to-wit: Commencing at the Northeast Corner of the Southeast Quarter of said Section 22, thence South $01^{\circ}17'47''$ East along the East line of said section a distance of 380.2 feet; thence South $88^{\circ}51'37''$ West a distance of 1,322.38 feet to the POINT OF BEGINNING: thence South $01^{\circ}21'10''$ East along the West line of Ten Foot (10') sanitary sewer easement a distance of 930.24 feet; thence North $88^{\circ}47'20''$ East a distance of 661.15 feet; thence North $01^{\circ}16'35''$ West a distance of 349.99 feet; thence South $88^{\circ}47'20''$ West a distance of 656.63 feet; thence North $01^{\circ}21'10''$ West along the center of Ten Foot (10') sanitary sewer easement a distance of 580.24 feet; thence South $88^{\circ}51'37''$ West a distance of 5.00 feet to the POINT OF BEGINNING.

Application No. 5793
Applicant: John Piercy
Location: Southwest corner of 21st and Yukon

Present Zoning: AG
Proposed Zoning: IM

Date of Application: January 6, 1983
Date of Hearing: February 9, 1983
Size of Tract: 21 acres

Presentation to TMAPC by: Phil Richmond, Director
Address: City of Tulsa - Solid Waste Management Phone: 588-9780

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 3 -- Industrial Development encouraged.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the IM District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located at the southwest corner of 21st Street and South Yukon Avenue. It is 21 acres in size and is vacant, except for a small O.N.G. pump station located in the northeast corner of the tract. The tract was annexed into the City on January 14, 1983; and, as a result, the previous IM classification was lost, since an AG classification is assigned automatically under the terms of Section 110.3 (b) of the Tulsa Zoning Code. The applicant is requesting to build a disposal plant for municipal solid waste by an incineration process and is requesting the previous IM zoning be reassigned to the property. It is abutted on the north by the DX Oil Company Refinery zoned IH, on the east by Gordon Gratings zoned IM, on the south by some vacant land, then Flint Steel zoned IM, and on the west by vacant land zoned IM.

Based on the Plan designation and surrounding land uses and zoning patterns, the Staff recommends APPROVAL of the requested IM zoning.

Applicant's Comments:

Mr. Phil Richmond, Director of the City of Tulsa Refuse Department, was present but had no comments.

Commissioner T. Young noted that some of the cities and towns in the County are considering modification of their zoning codes to allow the opportunity for property zoned by the County to remain in that classification upon annexation. He wondered if the City was looking at that possibility because it would save some cost. Mr. Gardner felt this could be done if all the County zoning classifications were comparable. There might also be a notice problem. Commissioner T. Young explained that the County Zoning Code was designed for this purpose with most zoning classifications being comparable. He suggested the City study this possibility. Mr. Linker agreed this could be done and the notice requirement would be satisfied by the notice given at the time it was rezoned by the County. He felt that some adjustment would have to be made in areas where the zoning is not exactly the same. Commissioner T. Young thought the County has a provision where the zoning would be accepted by the County in the event of disannexation.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Higgins, Hinkle, Kempe, Miller, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IM:

Approximately 21 acres of the NW/4 of the NE/4 of Section 15, Township 19 North, Range 12 East, beginning at the Northeast corner of the NW/4 of the NE/4; thence South 850'; thence West 1,035'; thence North 850'; thence East 1,035' to the point of beginning, Tulsa County, Oklahoma.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Higgins, Hinkle, Kempe, Miller, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, Inhofe "absent") to recommend to the Board of City Commissioners that a study be made concerning the transfer of zoning to the nearest classification when annexation and disannexation occurs.

SUBDIVISIONS:

For Final Approval and Release:

Granite Hill (PUD #190) (1083) 72nd Street and South Irvington Ave. (RD)

AND

Rainbow Park (PUD #308) (1293) South side of 19th Street, East of South
Memorial Drive (RD, RM-0)

The Staff advised the Commission that these plats have been reviewed by the Technical Advisory Committee and all release letters have been received. It was recommended that the plats be given final approval and released as having met all conditions of approval.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Higgins, Hinkle, Kempe, Miller, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, Inhofe, "absent") to approve the final plats of Granite Hill and Rainbow Park and release same as having met all conditions of approval.

LOT SPLITS:

Continued Lot Split for Waiver:

L-15678 Stanley Cebuhar (583) South of 67th Street and South Florence
Avenue (RS-1)

Mr. Wilmoth advised the Commissioners that this item is to be withdrawn, per the applicant's request. There are some legal description problems that need to be cleared.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Higgins, Hinkle, Kempe, Miller, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, Inhofe, "absent") that L-15678 be withdrawn.

OTHER BUSINESS:

PUD #112-2 Sumner (Higgins) West of 63rd Street on South 86th East Avenue

Staff Recommendation - Minor Amendment:

Planned Unit Development No. 112 is located south and east of 61st Street and South Memorial Drive. The subject lots are located adjacent to each other at the end of 86th East Avenue, just south of 63rd Street. The applicant has stem-walls constructed on each lot. These stem-walls encroach into the front setback on both lots and the applicant is requesting a minor amendment to allow these encroachments.

The Staff has reviewed the PUD file, Burning Tree Plaza Amended Plat, and submitted certified surveys and find the following:

- a) Lot 8, Block 1, Burning Tree Plaza Amended:

This survey shows that only one corner is encroaching less than a foot into the front setback. The Staff does consider

PUD 112-2 (continued)

this minor in nature and recommends APPROVAL of a 24-foot front setback, per plat of survey.

b) Lot 9, Block 1, Burning Tree Plaza Amended:

This survey shows the west corner of the stem-wall encroaching 8 feet into the front setback and the same corner being only 1-foot off the side property line. The east corner meets the 25-foot building setback. The PUD allows zero lot-lines with a 3-foot easement for overhang and maintenance. Since the front yard encroachment is caused by the start of the curve for the setback around the end of a cul-de-sac, the Staff can consider this minor, especially since the applicant owns the lot to the west, which is the lot most affected. However, the Staff wants to point out that for this structure or any other in this area that the PUD conditions allowing only 5 feet separation between building walls does not eliminate the applicant from any Building Code fire requirements.

Therefore, the Staff recommends APPROVAL of a 17-foot setback, per plat of survey and meeting all Building Code requirements.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Gardner, Higgins, Hinkle, Kempe, Miller, C. Young, "aye"; no "nays"; no "abstentions"; Gardner, Hennage, Parmele, T. Young, Inhofe, "absent") to approve this PUD minor amendment for PUD #112-2, subject to the certified surveys and the requirements set out in the Staff Recommendation.

CONTINUED LOT SPLIT:

L-15674 John Rupe 67th Street and Florence Avenue

(RS-1)

Mr. Wilmoth advised that this lot split was on the list of prior approvals on last week's agenda. Prior approval was given because the average lot width was represented as being more than 100 feet. The applicants were to present verification of the average width of the lot.

Mr. Ron Main represented the applicant. The time between meetings was used to verify the legal description. It was his understanding that the protests were on the lot split that was withdrawn. Mr. Main submitted a certification from Hammond Engineering Company that the lot has a 35-foot frontage, that the average distance across the lot measured perpendicularly to the front property line exceeds 100 feet in width and that the property description area exceeds 23,200 square feet (Exhibit "B-1").

Mr. Wilmoth stated that the Staff will accept the certification from Hannond and recommended approval. The only question is the average width, since the lot meets the Regulations concerning square-footage and frontage.

Commissioner C. Young wondered if a house could be built and still meet the setback requirements. Mr. Gardner explained that if the setbacks cannot be met, the matter would have to go before the B.O.A. The Board would consider whether or not this is a self-imposed hardship. Usually, the shape of the lot is considered a legitimate hardship, but if the hardship is self-imposed, the Board may not approve an application.

Commissioner T. Young asked if a configuration like this is created and it is determined to be inappropriate, should the Planning Commission reject the application for that reason. Mr. Linker explained that the Statutes state that the Subdivision Regulations must be met. If the Regulations have been met, the Planning Commission has to approve the lot split even though they might not agree with the lot shape. Otherwise the Commission could get into a judgment situation on every lot split.

Mr. Main commented that he already has a deed with approval and this is merely a request for ratification.

<u>Protestants:</u>	Frank Hettinger	Addresses:	320 South Boston Avenue
	Bill Huckin		6706 South Florence Avenue
	Ridge Bond		3114 East 57th Street
	Maxine Bond		3114 East 57th Street

Protestants' Comments:

Mr. Frank Hettinger represented Bill Bovaird, who lives in the area above the withdrawn lot split. The split involved has to include two different splits because it is from two different lots. The longest, width dimension is almost exactly 100 feet. In order to achieve a lot width of more than 100 feet, it would be necessary to measure down the long west side dimension. There are restrictions of one-acre building plots in the area. He does not feel a plat shaped like this one should be approved. He feels the request should be denied, based on the planning mess and the aesthetics harm to others. The land is steeply-sloping and blocks the view of the lake for 3 houses to the north.

Mr. Bill Huckin will be directly affected by this lot split because he lives immediately to the north of the subject tract. The plat displayed is not correct. Mr. Huckin has Hammond Engineering's plat that disagrees with the one presented by Mr. Main. The applicant's plat includes part of Mr. Huckin's property, which would cause a title problem. Mr. Rupe expects him to sign a deed so that Mr. Rupe can buy the property. If this split is approved, it will be based on future deeding of Mr. Huckin's land to Mr. Rupe which he does not plan on doing. He feels that the Board has the power to exercise their power with discretion.

If the strip Mr. Huckin says belongs to him were left off the application, Commissioner C. Young asked if the width requirements would be met. Mr. Huckin explained that approval of this application would result in a cloud on the title. Commissioner C. Young did not think the argument for aesthetics was as convincing as the question of whether or not the Subdivision Regulations have been met.

Chairman Kempe wondered if this is, in fact, one lot split or two. Mr. Wilmoth replied that, since the one lot split has been withdrawn, the Commission is only considering the one lot split.

Mr. Linker advised that, if enough of the property is taken off because it belongs to Mr. Huckin, it would have an effect on whether or not the split is in compliance with the Regulations. The Commission is being forced into a situation to be satisfied of the ownership.

Commissioner C. Young noted that a certified document has been presented stating that the lot meets the frontage, width and square-footage requirements of the Regulations.

Applicant's Comments:

Mr. Main explained that the plat presented by the applicant does not include the property Mr. Huckin says he owns. Mr. Huckin disagreed. The description he is going by is the description in his abstract.

Commissioner C. Young noted that the Commission continued this case last week in order to give the protestants and the applicant time to discuss this problem. All the Commission has to base a decision on is the certification from Hammond Engineering Company saying the Subdivision Regulations have been met.

Mr. Wilmoth pointed out the only reason why this lot split came under consideration was because the Commission was confused as to the boundaries. There was some discussion as to whether or not this was one split or two.

Commissioner T. Young asked if the property is under one ownership and Mr. Main explained that Mr. Rupe owns the property to the west and the other lot is under contract to Mr. Rupe. The application was made with the approval of the present owner, Mr. Cebuhar.

Protestant's Comments:

Mr. Ridge Bond owns land to the north and west of this property. He questioned whether this lot is suitable for building. A surveyor was dispatched to the property, but the owner would not allow him to complete the survey. A quick survey from Sisemore-Sack-Sisemore was done and Mr. Bond displayed this to the Commission. The survey shows the lot split

and the lake on the property. There is a creek running through the subject tract, which expands dangerously when it rains. A house built on this property would be in danger of flooding. The survey Mr. Bond has does not conform with the applicant's survey by some 12 feet.

Chairman Kempe was concerned about the conflicting survey reports. Mr. Linker advised there are several choices. The application could be approved, which would give the protestants an opportunity to appeal the decision. The application could be denied, which would give the applicant an opportunity to appeal. Also, the application could be continued and state that the Commission is not satisfied with the proof of ownership. However, Mr. Linker thought this application includes two lot splits instead of one. Mr. Wilmoth advised that 4 parcels can be created on one lot-split application.. Mr. Linker asked Mr. Wilmoth if the back part of the tract meets the Regulations by itself. Mr. Wilmoth commented that it would not because of no access to a dedicated street. Mr. Linker wanted to know what assurance there would be that this would be tied to South Florence. Mr. Wilmoth explained that a Legal Description or deed would have to be furnished that tied the two together. If the two portions are not tied together, the Subdivision Regulations would not be met. Mr. Gardner explained that a lot split request is processed under one number, although two, three or four lots are created. This application was considered for prior approval because the Subdivision Regulations were met. The application that was withdrawn was for a waiver of the frontage requirements as set forth in the Zoning Code.

Commissioner Higgins did not think the Planning Commission should be involved in deciding where the lot line should be. The applicant cannot build on the lot until he can prove he owns the property.

Commissioner T. Young felt the Commission had two options. Either the applicant could withdraw the request and apply again when the problem is straightened out, or the Commission could deny it, forcing the applicant to prove ownership. If the application is continued, the Commission will be faced with the same judicial decision. Commissioner Petty stated that he could not vote in favor of this request.

Mr. Linker explained that a tie would be needed between the two lots that are being split in order to meet the Subdivision Regulations. This is still a judgment situation for the Planning Commission as to whether or not the Subdivision Regulations are being met. He thought the lot split could be approved as long as the Commission is satisfied that the one lot is sufficiently tied to the other. It is his opinion that this is two lot splits because it is being split from one tract on one side and the other side is being split from another tract. The Staff is making sure that access is provided and that there are adequate utilities, which are all requirements of the Subdivision Regulations. The basis for determining a lot split depends on how the lot is of record when the application is brought to the Staff.

MOTION was made by T. YOUNG to DENY the application due to the total lack of clarity. Commissioner Higgins, in reference to the frontage to the cul-de-sac, asked Mr. Main if the pending contract of sale states that there will be 35 feet of frontage. Mr. Main explained that the contract includes all of the frontage. Commissioner Higgins concluded that the 35 feet would be provided, even if Mr. Huckin's property did extend onto the subject tract, since the applicant will own all of the frontage.

L-15674 (continued)

Chairman Kempe felt that all parties involved with the application should be given a chance to speak and ruled that the MOTION made by Commissioner T. Young was out of order.

(Commissioner T. Young departed to attend another meeting.)

Protestant's Comments:

Mrs. Maxine Bond presented 4 photographs of the lake and surrounding property (Exhibit "B-2"). The surrounding houses have views of the lake. The habitat has not been disturbed. All of the lots are large and this is a floodplain. There is a natural spring in the middle of the pond. The residents have tried to keep the area as natural as possible. Many of the existing trees will be cut down to build a house on this lot.

Applicant's Comments:

Mr. Main explained that all of the discussion concerning a pond relates to a pond located on the tract under the application that has been withdrawn, some 660' away. The pond is not involved in this application. Other tracts in the area have unusual shapes and Mr. Bovaird's tract has only 25 feet of frontage. The Planning Commission previously requested confirmation from an engineer that the lot meets the Subdivision Regulations for lot width and that information has been presented.

Special Discussion for the Record:

Commissioner C. Young stated this is a difficult situation because emotionally and aesthetically he agrees with the protestants, but if the Subdivision Regulations have been met, the Planning Commission has no choice but to approve the application. However, he is not convinced that the Regulations have been met. Evidently, the two parties have not communicated since the previous meeting, which was the suggestion made by the Planning Commission in the first hearing.

Commissioner Petty felt there was reasonable doubt that the Regulations have been met, so he could not support the application. Commissioner C. Young noted that the Staff is satisfied that the application can be approved.

Mr. Linker advised it could be determined in court that the applicant does not own enough property on the frontage and the approval of this Commission would be struck down in court. The ownership is crucial. He stated that the Commission has to take a position on the information submitted and then it is up to the parties to prove differently.

Chairman Kempe noted this lot split has prior approval and the only reason the application is before the Commission today is because the applicant was asked for confirmation of the frontage, the lot width and the square-footage. This information has been provided and the Regulations have been met. She sympathizes with the protestants, but the letter is the only legal document before the Commission today.

Commissioner Petty stated again that he thought there was a reasonable doubt that the application meets the Subdivision Regulations. Therefore, MOTION was made by PETTY, to DENY this application. MOTION died for lack of a second.

L-15674 (continued)

Commissioner Higgins wondered if there was any way to prove this meets the Regulations. Mr. Linker advised that the Planning Commission could hire a surveyor, if they believed it was imparative. Commissioner Petty felt this was up to the applicant.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 4-1-1 (Higgins, Hinkle, Kempe, Miller, "aye"; Petty "nay"; C. Young, "abstaining"; Gardner, Hennage, Parmele, T. Young, Inhofe, "absent") to ratify the prior approval given to L-15674, based on the certified letter presented by the applicant from Hammond Engineering Company that the Subdivision Regulations have been met and based also on the Staff's recommendation for approval.

There being no further business, the Chair adjourned the meeting at 3:20 p.m.

Date Approved February 23, 1983

Cheryl Kempe
Chairman

ATTEST:

R. S. Petty
Secretary

start

ENTERED IN THE 2-9-83
 MINUTES OF THE TULSA METROPOLITAN
 AREA PLANNING COMMISSION. *PSL*

TMAPC RECEIPTS
 Month of January, 1983

ZONING

Zoning Fees	(28)	\$2,160.00	
Fee Waived	(0)		
			\$2,160.00

LAND DIVISION

Subdivision Preliminary Plats	(5)	\$ 250.00	
Subdivision Final Plats	(5)	327.00	
Plat Waivers	(5)	125.00	
Access Changes	(1)	25.00	
Lot-Splits	(20)	140.00	
Fee Waived	(2)		
			\$ 867.00

BOARD OF ADJUSTMENT

Board of Adjustment Fees	(47)	\$2,225.00	
Fee Waived	(0)		
			\$2,225.00

\$5,252.00

DEPOSITORY TICKET

CITY RECEIPT

834	009651	\$ 897.00
835	010583	2,684.00
836	011308	<u>1,721.00</u>
		\$5,302.00
	*Less:	<u>(50.00)</u>

\$5,252.00

CITY BOARD OF ADJUSTMENT

\$2,025.00

COUNTY BOARD OF ADJUSTMENT

\$ 200.00

CITY SHARE

\$1,513.50

COUNTY SHARE

\$1,513.50

*Less: City Board of Adjustment - Craig Neon, Inc. - \$50.00 - Receipt #30515 - Deposit #006769

