

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2457

Wednesday, September 6, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Bernard	Chronister	Boulden, Legal
Bayles	Collins	Fernandez	
Cantees	Harmon	Huntsinger	
Cantrell		Matthews	
Carnes			
Jackson			
Midget			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 31, 2006 at 3:34 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, Vice Chair Ard called the meeting to order at 1:32 p.m.

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

Minutes:

Approval of the minutes of July 19, 2006 Meeting No. 2452

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Ard, Bayles, Cantrell, Carnes, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Collins, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of July 19, 2006, Meeting No. 2452.

Approval of the minutes of July 26, 2006 Meeting No. 2453

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Ard, Bayles, Cantrell, Carnes, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Cantees, Collins, Harmon, Midget "absent") to **APPROVE** the minutes of the meeting of July 26, 2006, Meeting No. 2453.

Ms. Cantees in at 1:33 p.m.

REPORTS:

Director's Report:

Ms. Matthews reported that there were no cases on the BOCC or City Council agenda.

Worksession Report:

Mr. Ard reported that there was a worksession held at the last meeting.

Mr. Midget in at 1:36 p.m.

Chairman's Report:

Mr. Ard reported that the Oklahoma Sustainability Network is having an annual conference September 15, 2006 and he believes all of the Planning Commissioners should have been notified about that. He indicated that Wayne Alberty will be participating on a panel discussion: "Smart Growth Building a Sustainable Community". This will be held at the Tulsa Convention Center and he encouraged all of the Planning Commissioners to attend if possible. He commented that he has asked staff if there is a possibility for INCOG to pay for this conference and they are considering it. This would be a good seminar for the community and neighborhood homeowners association.

Mr. Ard presented Ms. Hill with a Certificate of Appreciation for her time served for the TMAPC. Mr. Ard stated that he had the pleasure of serving with Mary for a couple of years and learned a lot from her and appreciated her tutelage as well as her dedication to the community and her neighborhood. He commented that Ms. Hill always tried to do the right thing under difficult circumstances.

Ms. Hill received a standing ovation.

Ms. Hill thanked everyone for the certificate. She stated that besides the certificate she knows what is behind, it's sincerity and it is the real deal, the real thank you. She appreciates all of the members and the members she served with and staff. This is very nice and she will look upon this fondly. Ms. Hill wished everyone a lot of luck because they would need it, especially if they agree to be reappointed.

Mr. Ard stated that there are several items that have been withdrawn or have asked for a continuance:

PLAT WAIVERS:

BOA 20246/Z-7021 - (9431) (PD 18) (CD 6)

5705 South 107th East Avenue (continued from 8/16/06)

Ms. Bayles asked staff what the nature of the request for the second continuance.

Ms. Matthews stated that the applicant has requested the continuance and apparently they are still working on this application.

STAFF RECOMMENDATION:

The applicant has requested a continuance to September 20, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **CONTINUE** the plat waiver for BOA-20246/Z-7021 to September 20, 2006.

BOA 11003/Z-6957 - (9312) (PD 5) (CD 5)

1253 South Memorial Drive

STAFF RECOMMENDATION:

The applicant has requested a continuance to September 20, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **CONTINUE** the plat waiver for BOA-11003/Z-6957 to September 20, 2006.

PRELIMINARY PLAT:

Polson Industrial Park (9232) (County)

5555 South 65th West Avenue (north of northeast corner of West 56th Street South and 65th West Avenue) (continued from 8/16/06)

STAFF RECOMMENDATION:

The applicant has requested a continuance to September 20, 2006

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **CONTINUE** the preliminary plat for Polson Industrial Park to September 20, 2006.

SKETCH PLAT:

Jet Port – (0407/0408) (PD 16) (CD 6)

West of US 169 between East 46th Street North and East 56th Street North

STAFF RECOMMENDATION:

Applicant has withdrawn this application.

Application is withdrawn.

Application No.: Z-7033

RS-3/AG to RS-3/CS

Applicant: Khoury Engineering

(PD-17) (CD-6)

Location: Northeast corner of 177th East Avenue and East 41st Street South

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has withdrawn this application and is requesting a refund.

Ms. Matthews stated that the applicant didn't make it to public hearing with this application; however, notice, publication and staff time has been spent substantial amount of time on this application. Staff recommends approving a refund for half of the base application fee, which is \$450.00.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the refund request for Z-7033 in the amount of \$450.00 and withdraw this application from the agenda.

Application No.: PUD-733

RS-3/AG to RS-3/AG/PUD

Applicant: Khoury Engineering

(PD-17) (CD-6)

Location: Northeast corner of 177th East Avenue and East 41st Street South

STAFF RECOMMENDATION:

Staff requests a continuance for submittal of modifications and renoticing.

INTERESTED PARTIES:

Larry Johnson, 2535 East 21st, 74114, stated that he doesn't have an objection to the continuance. He asked that it be part of the record an order of Judge Peterson's, dated October 2, 2001 where the property owner was trying to obtain a beer license for the subject property and it was denied because of the character of the neighborhood (Exhibit D-1).

TMAPC COMMENTS:

Mr. Ard suggested that Mr. Johnson submit his exhibit at the time this case is heard during public hearing.

Mr. Ard asked Ms. Matthews if there is a date certain for the continuance. In response, Ms. Matthews stated that this will have to be re-noticed and therefore there is not date certain at this time.

Mr. Ard suggested that Mr. Johnson submit his exhibit now in case he is unable to attend the next meeting.

Mr. Johnson stated that he has other concerns regarding flooding.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **CONTINUE** the PUD-733 for renoticing and publication.

Application No.: PUD-599-D

MAJOR AMENDMENT

Applicant: Kevin C. Coutant

(PD-18c) (CD-7)

Location: Southwest corner of East 61st Street and South 104th East Avenue

STAFF RECOMMENDATION:

This application is scheduled for TAC on September 7, 2006 and staff requests a continuance to September 20, 2006.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **CONTINUE** the major amendment for PUD-599-D to September 20, 2006.

Application No.: PUD-624-2

MINOR AMENDMENT

Applicant: Tulsa Engineering & Planning Inc.

(PD-11) (CD-1)

Location: Between Osage Drive and 41st West Avenue, north of West Young Street/Apache Street

STAFF RECOMMENDATION:

Staff requests a continuance to September 20, 2006 for corrected notice.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **CONTINUE** the minor amendment to PUD-624-2 to September 20, 2006.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19971 – Ray Biery (8333) (PD 26) (CD 8)

Northwest corner of East 118th Place South and Yale Avenue (Related to Item 7)

STAFF RECOMMENDATION:

The applicant has applied to split a five-acre tract into an approximately one-acre parcel and a four-acre parcel, both of which meet the RS-1 bulk and area requirements. The Major Street and Highway Plan (MSHP) designates Yale Avenue as a secondary arterial, requiring 50' of right-of-way from the center of the street to be deeded to the City of Tulsa. East 118th Place South is a standard residential street, requiring 25' from the center of the street.

The applicant is willing to give the required right-of-way along Yale Avenue, but is seeking a waiver of the Subdivision Regulations Section 6.5.1.(c)(3) requiring right-of-way be given to the City of Tulsa/Tulsa County for the required right-of-way along East 118th Place South.

Also, the property was rezoned from AG to RS-1, triggering the platting requirement. The applicant has filed a plat waiver for the subject property. The plat waiver would have to be approved in order for the lot-split to be approved.

On July 20, 2006, the Technical Advisory Committee (TAC) expressed two concerns with the lot-split. Although there is no planned construction for Tract 1 at this time, it is being kept as a separate tract. Should the plat waiver be approved, there would be no regulation for future development on the proposed tracts. TAC also expressed concern on the requested waiver of street dedication. It was also noted that a water main line would have to be extended to Tract 1.

The applicant has agreed to tie Tract 1 to the abutting property on the west, eliminating the requirement to extend the water main line to that tract. If the plat waiver is approved only on Tract 1, the street right-of-way along East 118th Place can be obtained when Tract 2 is platted. Therefore Staff recommends

APPROVAL of the waiver of Subdivision Regulations and of the lot-split with the condition that Tract 1 is tied to the abutting property on the west and that 50' of right-of-way be deeded to the City of Tulsa along Yale Avenue, and subject to the accompanying plat waiver is approved on Tract 1.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19971, subject to Tract 1 being tied to the abutting property on the west and that 50' of right-of-way be deeded to the City of Tulsa along Yale Avenue, and subject to the accompanying plat waiver is approved on Tract 1 per staff recommendation.

Related Item:

PLAT WAIVER:

Z-7013 - (8333)

(PD 26) (CD 8)

Northwest corner of East 118th Street South and Yale Avenue (continued from 8/16/06) (Related to Item 2)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a request for lot-splits.

Staff provides the following information from TAC at their July 20, 2006 meeting:

ZONING:

TMAPC Staff: The plat waiver is for property zoned RS-1.

STREETS:

A 25-foot right-of-way dedication on 118th Place and 50-foot dedication on Yale are required to meet Major Street and Highway Plan, along with a 30-foot radius at the intersection. Subdivision regulations also require sidewalks on street frontages.

SEWER:

No comment.

WATER:

Tract 1 (see lot-split) will require a water main extension for water service. No building permit can be issued without the extension of a water main line.

STORM DRAIN:

On the plat waiver form 6c1, 2, and 4 should be checked "yes". The public drainage flowing in the floodplain across the property must be placed in an overland drainage easement, or a storm sewer easement. The public storm sewer crossing of 118th Place will require a PFPI. There is no exhibit that shows the location of 118th Court. "Yes" to these three questions is not favorable to a plat waiver.

FIRE:

When a portion of a facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: The distance requirement shall be 600 feet for Group R-3 and Group U occupancies. The distance requirement shall be 600 feet for buildings equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exceptions: The fire code official is authorized to increase the dimension of 150 feet when: The building is equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. There are not more than two Group R-3 or Group U occupancies. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus per subdivision regulations.

UTILITIES:

No comment.

The applicant has a platting requirement for property that was recently rezoned to RS-1. He wants to split five acres of this rezoned tract into two parcels and requests a plat waiver. Staff cannot recommend approval of the plat waiver. However, if it is tied to the lot-split now submitted for LS-19971, which is also an item on the September 6, 2006 TMAPC agenda, staff can support a waiver on that portion of the tract. There are too many TAC comments for technical

requirements for staff to recommend a waiver on the total property unless the technical requirements can be met as conditions for the lot-split approval.

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

* This may be dependent on lot-split approval.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the plat waiver for Z-7013 per staff recommendation.

L-19986 – Richard Conwell (9322)

(PD 6) (CD 7)

5009 East 33rd Street

STAFF RECOMMENDATION:

The proposal is to split a lot into two tracts. Both resulting tracts would meet the RS-3 2 bulk and area requirements; however, both tracts would have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines.

The Technical Advisory Commission expressed no concerns at their August 17, 2006, meeting.

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

TMAPC COMMENTS:

Mr. Ard questioned if the subject lot is zoned RS-3 or RS-2 because it appears from the zoning map to be zoned RS-2. In response, Ms. Chronister stated that there is an error in the staff recommendation and it is actually zoned RS-2.

Mr. Ard asked if the subject application meets the RS-2 or RS-3 bulk and area requirements. In response, Ms. Chronister stated that it meets the RS-2 bulk and area requirements.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19986 per staff recommendation.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19982 – Jeffrey Levinson (9319) (PD 6) (CD 9)
2238 East 38th Street (Continued from 8/16/06)

L-19989 – Mary Boyle (8310) (PD 18) (CD 8)
7513 South Joplin

STAFF RECOMMENDATION:

Ms. Chronister stated that L-19982 was continued from August 16, 2006 and at that time there was a plat of survey that was presented to the Planning Commission consideration. It was approved as a prior approval and the Planning Commission requested staff to review the submitted plat of survey. Staff reviewed the plat of survey that was provided and it is included in the agenda packet. Staff went back to Lewis Road Estates and it was platted at 150 feet and there has not been any lot-splits done on the subject property since time of platting. Staff also looks at the plat of survey that was provided and the northeast corner of the plat of survey states that there was a found 3/8-inch iron pin and on the northwest corner there is a 1 ¼-inch pipe. After discussing this with different surveyors, normally a survey crew will use the same type of material and the same size to survey the property. Staff would have to presume that perhaps a pin was there and somehow was dislocated and a pipe replaced or vice-versa. Based on the plat of survey, staff's review and the recorded original plat at 150 feet, staff recommends **APPROVAL** of this lot-split for prior approval. It does meet the bulk and area requirements of the existing zoning.

Ms. Chronister stated that L-19989 is also in order and staff recommends **APPROVAL** of L-19982 and L-19989.

Mr. Boulden offered to keep time for this item.

Mr. Ard requested that interested parties stay to points that are relevant and to only speak on new information that has not been considered prior to this meeting.

Applicant's Comments:

Heath Hardcastle, 2600 Bank of America Center, 74119, stated that the applicant doesn't have anything to add over staff comments except with regard to the presentation of an additional survey. Currently the lot is platted at 150 feet and he is not aware of any authority that would allow for field measurements to be presented in a prior approval application like this one. He believes that doing so would start allowing people to bring in expert witnesses and surveyors and people to object to all of that, which takes this into an area that is going to make life very difficult if the precedent is established.

INTERESTED PARTIES:

Steve Novick, 1717 South Cheyenne Avenue, Tulsa, OK 74119, stated that the Planning Commission was more than kind with him at the last time this came up and basically gave everyone a chance to speak. He commented that he would not repeat anything from the previous meeting. Mr. Novick stated that he sent some written comments yesterday to the Planning Commissioners that he had email addresses for trying to provide some rebuttal to the position of INCOG staff with respect to their recommendation. For those that he didn't have email addresses for he has distributed the hardcopy today as Ms. Huntsinger distributed it (Exhibit A-1).

Mr. Novick stated that he doesn't believe he is opening any floodgates by contesting this application and supplying a survey. He believes that the prior approval process will continue to be the order of business and it is certainly not his position that a survey is needed every time a lot-split is considered. It is only his suggestion that when there is a contest and when there is arguably more accurate and up to date information, then it should be a part of the consideration in determining whether the lot-split should be approved.

Mr. Novick stated that there is a certificate of the surveyor that certifies the accuracy of this document according to the standards of the industry. He further stated that the surveyor stands behind the accuracy of this survey and it is his professional opinion that the survey is accurate. Mr. Novick indicated that the surveyor stated that he surveyed this subject property before and he had records that support the accuracy of the survey.

Mr. Novick stated that there should be in the record from a meeting with Mr. Boulden and staff on August 31, 2006 an affidavit from one of his clients, Patty Southmayd, who spoke directly with the Sisemore, Weisz surveying crew that conducted the survey for Rockford Road, LLC. They verified that the north line on the subject property was 149.63 feet and he wonders why Rockford Road has not produced its survey of this property. He suggested that the reason Rockford Road hasn't produced the survey is because it has the same measurement as the submitted by opposition. He believes that the Planning Commission can draw an inference from the fact that they haven't produced their survey, which is

identical to the one he has produced. The question of accuracy is really moot for the subject property because there are two surveys with the same result.

Mr. Boulden called time.

Mr. Novick concluded that he is requesting the Planning Commission to refer the applicant to file an application with the BOA for a variance in this particular circumstance.

Patty Southmayd, 2251 East 38th, 74105, stated that the Planning Commission and staff have been made aware that the subject property does not measure as a 150-foot lot and if the lot is split it will be a nonconforming lot. She reminded the Planning Commission that her neighborhood has applied for down-zoning with the super majority of homeowners on the street in agreement. Mr. Enterline was not a resident of the street at the time of the zoning application. Everyone on her street wishes to maintain this lot and has no problem with Mr. Enterline building one house on the one lot as originally platted. She appreciates the time the Planning Commission has given to her regarding this issue. Ms. Southmayd stated that she doesn't understand why there is a need to split the lot when Mr. Enterline could build one house on the one lot. No one in the neighborhood wants this lot-split and she doesn't understand the need for the lot-split.

Dr. Mark Waller, 2226 East 38th, 74105, stated that he is angry about what has been going on with the subject property. The original intent to change to RS-1 zoning was to try to keep this lot from being split. The neighborhood is made of large lots with houses set back approximately 50 feet. He refuses to let someone come into the neighborhood and start building large homes up to his property line and causing drainage issues. One of original statements of staff was that the surveyor found a pipe on the northwest property and couldn't find a pin. If they look inside the pipe there is a pin and it is about 3/8 inches in diameter, which makes the property 149.63 feet. Dr. Waller asked the Planning Commission at what point do they pretend that this is not 150 feet. He concluded that the neighborhood failed at the RS-1 down-zoning and he doesn't believe they should fail at this.

TMAPC COMMENTS:

Mr. Carnes stated that he would move to approve the staff recommendation on the grounds that the recorded plat historically is what everyone goes by in the real estate world. He believes staff was correct in using the recorded plat.

Mr. Midget seconded.

Ms. Cantrell asked if Legal could give the Planning Commission some guidance about the one case that Mr. Novick submitted where the Planning Commission did not rely on the recorded plat but relied on a survey. In response, Mr. Boulden stated that Mr. Novick presented to staff and Legal a copy of a survey that was

used in a lot-split and that particular survey was not square and it involved curves, so in order to divide a curve lot it was necessary to have a line that was properly angled geometrically, which required a survey in that particular situation. It is not really applicable to this circumstance. In response, Ms. Cantrell asked Mr. Boulden if the survey for the unusually shaped lot was used to overrule the recorded plat. In response, Mr. Boulden stated that it did not.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Harmon, Collins "absent") to **APPROVE** the ratification of lot-split L-19982 given prior approval, finding it in accordance with Subdivision Regulations as recommended by staff.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Carnes, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **RATIFY** lot-split L-19989 given prior approval, finding it in accordance with Subdivision Regulations as recommended by staff.

* * * * *

Reinstatement of Plat:

Lewis 53 Office Park North – (3293)

(PD 18) (CD 9)

Northeast corner of South Lewis Avenue and East
53rd Street South

STAFF RECOMMENDATION:

The consulting engineer for this plat is requesting that the final plat be reinstated. The final plat was approved by TMAPC on April 16, 2003 but was never sent to City Council for approval, nor filed of record with the County Clerk. Staff can recommend reinstatement of this previously approved subdivision plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

Mr. Boulden asked if this plat is being reinstated because it has expired. In response, Mrs. Fernandez stated that this is an older plat from the old Subdivision Regulations and the new Subdivision Regulations would allow this to progress if there has been some activity on the plat over time and this has laid dormant for that amount of time. In response, Mr. Boulden asked staff if this has

expired under the current regulations. In response, Mrs. Fernandez stated that it had not. Mr. Boulden stated that he has no objection to proceeding.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the reinstatement of plat for Lewis 53 Office Park North per staff recommendation.

PLAT WAIVERS:

BOA 20038 - (0329)

(PD 3) (CD 3)

Northeast corner of East Pine Street and Evanston

STAFF RECOMMENDATION:

The platting requirement is being triggered by a request for a building permit per a Board of Adjustment approval of a Special Exception for a private school use.

Staff provides the following information from TAC at their August 17, 2006 meeting:

ZONING:

TMAPC staff: The plat waiver is for property zoned RM-1 that received Board of Adjustment approval in July of 2006 for a private school use on previously platted property.

STREETS:

A 17.5-foot utility easement is recommended on Pine Street. On question # 4 a 30-foot intersection radius is required.

SEWER:

Additional easement is required along the east boundary. A five-foot easement is shown, but a minimum total width of 15 feet is required to accommodate future sanitary sewer extension.

WATER:

No comment.

STORM DRAIN:

Tulsa regulatory floodplain should be placed in an overland drainage easement, but this can be done with a separate instrument and does not require platting.

FIRE:

No comment.

UTILITIES:

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested per the TAC comments because of the existing plat for the site. There are some "housekeeping" dedications that will be needed but the TAC felt these could be accomplished by separate instrument because they are minor in nature and the property has an existing plat.

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.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the plat waiver for BOA-20038 per staff recommendation.

L-19976 - (9329)

(PD 6) (CD 9)

Southwest corner of East 45th Street South and South Atlanta Avenue (2440 East 45th Street)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a lot-split request for property exceeding the number of lot-splits before a subdivision plat is required.

Staff provides the following information from TAC at their August 17, 2006 meeting:

ZONING:

TMAPC staff: The plat waiver is for property zoned RS-1. The platting requirement is triggered by a lot-split request to create two residential lots which would result in five or more lots from previous lot-splits.

STREETS:

Subdivision regulations require sidewalks. On question # 4, a 25-foot radius for intersections is required.

SEWER:

A mainline extension with the associated easement is required to serve the area.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff can recommend **APPROVAL** of the plat waiver requested per the TAC comments because of the existing plat for the site. The original plat is old (1922) so some updated dedications by separate instrument are required.

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

Mrs. Fernandez stated that the applicant is requesting a sidewalk waiver.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that his client has resided on the subject property since 1970. The family has owned the property since the 1940's.

Mr. Johnsen stated that he filed a lot-split application to create what is owned by Mr. and Mrs. Epperson for two lots (zoned RS-1) and these lots meet the minimum requirement, but it did require BOA approval of the lot width and to meet the lot size because they are large lots. Mrs. Epperson talked with everyone within 300 feet of the subject property and all were in support of the proposed use. His clients have a buyer for the lot.

Mr. Johnsen explained the previous process he has already gone through and stated that staff viewed this as a subdivision. Lot 6 was platted in 1922, Barrow's Orchards Acres. It was platted 310 feet east/west and 305 feet north/south as one large lot. Mr. Johnsen described the conveyances that occurred over the years, which had Planning Commission approval. In 1962 there were four parcels and staff takes the position that since the new lot-split creates five, then it is a subdivision, and he disagrees with that position. The effective date of the TMAPC action was 1964 and these conditions existed before there was a TMAPC. Mr. Johnsen stated that he believes it has to be considered as conditions existing at the time the regulations went into effect, which was 1964. He doesn't think this a typical plat waiver. There wasn't a rezoning and five lots are not being created. Four lots were already created 45 years ago and now it is

more in nature of a simple prior approval lot-split. He didn't realize that there would be a requirement of a waiver of imposing a sidewalk requirement. If the Planning Commission concludes that this is a plat waiver, then he believes he has circumstances that are unusual on the waiver request that Planning Commission has seen before. The main distinction is that this is not a typical subdivision and it is a real stretch to call this a subdivision because of the history. The neighborhood doesn't want sidewalks and Mrs. Epperson has talked to at least eight people immediately nearby who do not want a sidewalk. The sidewalk wouldn't go anywhere and it would look dumb. The subject area is an extremely nice residential area. There will be a new home on the front portion and the Eppersons are doing a major renovation to their home. There are no sidewalks around the subject area and there are no curbs on Atlanta. Mr. Johnsen submitted photographs of the subject property (Exhibit B-1). He explained that there are obstructions that would make it difficult to put a sidewalk in. There is substantial landscaping and two large stone posts that were constructed in the 1940's when there was a farm house. The Eppersons did blacktop a portion of the subject property because drainage didn't permit anything to grow in that area. If sidewalks are required, then the stone posts will have to come down to reach the normal standards of the City of Tulsa and most of the landscaping bed will be lost and the sprinkler system will be lost. These are practical considerations that the Planning Commission doesn't often have, but they are real. Mr. Johnsen described the surrounding properties that do not have sidewalks and new construction where no sidewalks were required within the neighborhood. Mr. Johnsen stated that he understands that the new policy is to require sidewalks and with undeveloped areas and in real subdivisions it works, but on a lot-split basis, this would normally be construed as a prior approval lot-split and no sidewalk would be required. This is simply a division of property into two single dwellings with no underlying zoning change. If the Planning Commission would like, his client feels that she would be able to secure a petition of support from the neighbors for no sidewalks.

Mr. Johnsen concluded and requested that the Planning Commission exercise their discretion because this is a set of facts that is unusual and solely unnecessary to what the Planning Commission is trying to achieve when there is a real subdivision and real redevelopment work in the City.

TMAPC COMMENTS:

In response to Mr. Ard, Mr. Boulden stated that Mr. Johnsen makes a good point that the subject property should be treated as it existed when the regulations went into effect and those previously approved lot-splits would not be applicable. The only question he would have would be to the timing of the regulations going into effect. He believes that the regulations became effective in 1964, but it has not been confirmed.

Mr. Johnsen stated that it was either 1964 or 1967 and no earlier than that. When the Planning Commission was initially approved in the 1950's it was done

under a statute that was later determined to be unconstitutional, which was in 1964, and it took a while for everyone to get through the impact of that ruling before a new Planning Commission was formed, which is 1967.

Mr. Boulden stated that with Mr. Johnsen's statement regarding the Planning Commission being formed in 1964 or 1967, he would not need a plat waiver, but one wonders why they are here if they applied for one.

Mr. Johnsen explained that he filed for a lot-split and was told that he would need a waiver of the platting requirement and so he filed it.

INTERESTED PARTIES:

Melissa Basse, 4732 South Columbia Place, 74105, stated that she lives in the subject neighborhood. There are no sidewalks and most of the neighborhood doesn't have a curb. This is a rural-looking area with a farm feel. She believes that sidewalks would look out of place in the subject area.

Mr. Wofford asked if this can be viewed as a lot-split because it doesn't seem that a sidewalk is wanted or is particularly feasible. Can this be approved without the sidewalk recommendation? In response, Mr. Johnsen indicated that this would meet his goal.

TMAPC Action; 8 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the plat waiver for L-19976 and delete the sidewalk requirement as modified by the Planning Commission. (Note: the Planning Commission is expecting to see a lot-split for the subject property at a later date.)

* * * * *

BOA- 20300 – (8407)

(PD-18c) (CD-7)

Northeast corner of East 81st Street and South Mingo Road

STAFF RECOMMENDATION:

The applicant is pursuing a Board of Adjustment approval for seasonal open-air retail sales of pumpkins, Christmas trees, produce and flowers.

It is the policy of TMAPC to waive the platting requirement for open-air activities (Use Unit 2. Subsection 1202.B) such as fruit stands, and fireworks stands. Therefore, staff can recommend **APPROVAL** of the requested plat waiver for BOA-20300.

Applicant's Comments:

Melissa Basse, 4732 South Columbia Place, 74105, stated that earlier there was a protest to what she was planning to do and she wanted to speak if there were still a protest.

Mr. Ard stated that he doesn't see anyone wishing to speak and staff is recommending approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the plat waiver for BOA-20300 per staff recommendation.

FINAL PLAT:

Brady Village – (0235)

(PD 2) (CD 1)

West side of North Cincinnati Avenue between
Latimer Place and Oklahoma Street

STAFF RECOMMENDATION:

This plat consists of 33 lots in three blocks, four Reserve Areas on 5.7 acres.

All release letters have been received; however, there was a question about a bus pull-out area and it would be necessary to show on the plat. The bus pull-out is no longer necessary and there will be a minor amendment to that effect soon. Staff recommends **APPROVAL** of the final plat.

TMAPC COMMENTS:

Ms. Bayles stated that she doesn't understand why it is no longer necessary for the bus pull-out. In response, Mrs. Fernandez stated that evidently in the PUD there was a requirement for a bus-pull out area when there is one nearby that can be used through MTTA approval and the Transportation Planning Division at INCOG and everyone is in agreement that it is unnecessary to have it in this particular plat at this time. Ms. Bayles concurred.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **8-0-0** (Ard, Bayles, Cantees, Cantrell, Carnes, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Collins, Harmon "absent") to **APPROVE** the final plat for Brady Village per staff recommendation.

APEX Auto Salvage – (0224)

(PD 25) (CD 1)

3124 North Peoria

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 18.52 acres.

Mrs. Fernandez stated that this item is placed on the agenda at the insistence of the consulting engineer for the project. She explained that at the final plat stage there are certain things that have to be in the file before proceeding. These are identified in the Subdivision Regulations. Mrs. Fernandez explained the procedure for identifying whether or not oil wells are located on the subject property.

Mrs. Fernandez stated that there is a concern regarding oil well locations on the site of the project. Originally, the Corporation Commission letter identified wells for the Section (page 12a.5 of the packet). A new draft final was then submitted from the consulting engineer showing setbacks and well locations (page 12a.7). Then, another Corporation Commission letter was submitted which stated that there had been no "recent production" on the site (page 12a.6).

Mrs. Fernandez indicated that she has spent several hours talking with the Corporation Commission (branch office and Oklahoma City office), professional engineers, city planners with 30 years or more experience and the answers all line up as far as what to do with this particular situation. Staff can't recommend approval of the final plat unless the oil wells are shown on the final plat, some plugging records shown or some other documentation from the owner of the subject property that the Planning Commission would feel comfortable with. The applicant will speak to the Planning Commission about his knowledge of the site. The Subdivision Regulations do require that the oil wells be shown on the subdivision sites. There has been an argument about whether or not residential areas are the only areas that need to be concerned with these oil wells or Corporation Commission Certificates showing oil wells.

Mrs. Fernandez stated that she knows from personal experience, that having dealt with land use for many years, there was a situation where a school was almost built over an oil well site. Oklahoma is an oil well state, which is part of its

history, and there will be oil wells on some of the sites that the Planning Commission will review. Mrs. Fernandez concluded that unless there is some other documentation beyond what has been provided staff doesn't feel that it is not enough now. If Mr. Sack can convince the Planning Commission that it is safe, then they need to make that decision.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, confirmed that there is a statement in the Subdivision Regulations in 4.10 regarding oil and gas extraction sites and residential sites. He doesn't believe that there is any need to discuss this because he has always used the scenario that if oil wells are present then it needs to be resolved. This has been done no differently from what he has done on a lot of sites over the years.

Mr. Sack stated that he did receive a certificate of non-development from the Corporation Commission and it came back with one oil well on the site, but in reality there were two oil wells. After contacting Sooner Well Service he got the drilling logs. The drilling logs identified a rough location of where the oil wells were located. He went to the site and staked the locations and observed no evidence of any oil wells. After inspecting the site he contacted the local Corporation Commission out of Bristow and asked for a field inspection of the subject site. The records are old and the wells were probably drilled in the early 1930's. He has found that the records are sometimes filed in the wrong township and range, the plugging records are not available. All types of problems that exist over the years.

Mr. Sack stated that his client has been trying to plat the subject property for some time and get the release letters. He commented that he wanted to expedite this and indicate the oil wells on the plat. This is a salvage yard and has been under the same ownership and operation for over 50 years. The owner has never seen any oil wells, never experienced any wells and wasn't aware that there was any situation like this on the site. He explained that in order to get the Corporation Commission field office to respond to the site, investigate it and issue a new certificate takes months and he decided to show the possible well sites on the plat. In this particular case he was able to contact the inspector, who inspected the site and issued the new certificate, which is not any different from any certificate the Planning Commission received. The verbiage on the new certificate is exactly the same as the plat that was released earlier today. Mr. Sack submitted an example of a certificate with the same verbiage as the one he recently received from the Corporation Commission (Exhibit C-1). Mr. Sack concluded that he believes the Planning Commission has everything they need to release the plat and he has done due diligence on the oil wells to resolve the issue. He stated that unfortunately he had submitted a plat with the wells located and he would like to withdraw that plat now that he has a clean certificate.

Mr. Carnes out at 2:40 p.m.

TMAPC COMMENTS:

Mr. Ard stated that he can understand staff's concern with the two certificates because the first letter is specific regarding the location of the well and the second letter only states that there has been no recent production and they do not go to the issue of whether or not the well exists, which seem to be different issues.

Mr. Sack stated that if the Planning Commission would look at the two other certificates that were prepared for the precisely the same thing have the same verbiage as the second letter/certificate. The Corporation Commission has re-inspected the site and they have given it as clean a bill of health as one gets for any subdivision plat.

Mr. Ard stated that the only difference is that the first letter says that there is a well on site. In response, Mr. Sack stated that those have existed in many times but the only case is, in this particular circumstance, that he was anxious to get this plat recorded and he submitted a plat with those wells and then once he was able to get the clean certificate he pulled that plat back.

Mr. Midget asked if the representative from the Corporation Commission had performed a site visit. In response, Mr. Sack answered affirmatively.

Mr. Midget asked if the clean certificate was issued after the site inspection. In response, Mr. Sack answered affirmatively. Mr. Midget asked if the second certificate is the one that they would send normally when there are no wells found. In response, Mr. Sack answered affirmatively.

Mr. Midget stated that if the applicant had waited for the second certificate before filing their plat then the issue of the first certificate would not be in the record. Mr. Midget informed the Planning Commission that he frequents Apex Auto Salvage and he has gone over every square inch of that salvage yard and has never seen a well or anything like that. He understands what Mr. Sack has done and he would move to approve the final plat for the subject property, notwithstanding the fact that the first letter had been submitted. He would approve it based on the fact that after the Corporation Commission had come out and actually performed a site visit, they issued their typical letter in reference to oil wells on site.

Mr. Jackson stated that he would second Mr. Midget's motion.

Mr. Ard stated that this is the first situation like this that he has been presented with since being on TMAPC. He understands Mr. Sack's argument, but there is a letter that states there is a well located on the subject property and he would agree with staff in this case that it should be cleared up before moving forward. In this case he will be going along with staff.

Mr. Jackson asked how the well site would be found on such an old site. The well could be anywhere on the property or next to it. He doubts that Peoria even existed at the time and certainly not as a four-lane roadway as it is today. The creek next to the property has been improved and the letter doesn't give an exact location of the well. The Planning Commission could be holding them subject to something that is adjacent to the property and not on the subject property. It would require a scraper and backhoe taking off six-inches of dirt to find any hidden well casings.

Mr. Ard stated that he understands Mr. Jackson's comments, but there is a plat with circles drawn around a 50-foot radius that show where the wells should be.

Mr. Jackson asked Mr. Sack to explain about the 125-foot setbacks. In response, Mr. Sack stated that the Planning Commission asked if the utility oil well situation has been resolved. Mr. Sack further stated that he believes that he has gone through those steps in order to resolve the oil well situation. The steps that he has gone through are those normal steps that one goes through. He contacted the Corporation Commission and obtained the well logs and visited the site. He surveyed the site, reviewed it and interviewed the property owner, as well as the Corporation Commission doing the same and issuing a new certificate. That is the process to clean up these oil well sites. If one can't find them, then they can't plug them. There is no evidence of the oil wells and there is no way to have them plugged. This is the way to resolve the issue, which is to have a new field inspection and an issuance of a new certificate.

Mr. Ard asked Mr. Sack how he determined where the potential two oil wells were located. In response, Mr. Sack stated that he contacted Sooner Well Service and obtained the drilling records of those drilling logs of those two wells that are identified. The Corporation Commission identified one well. In his own research he determined that there were two drilling records and he obtained them. The drilling records have approximate locations identified and from those locations he staked the wells and looked for the location or evidence of any wells and there was none. The next step was to go to the Corporation Commission and ask them to review the site and ask for a new certificate.

In response to Mr. Ard, Mr. Sack stated that there is no way to find the wells without scraping the dirt and most of the old casings were pulled with no evidence being there. Over the years this has become a difficult situation, especially in residential areas. Mr. Sack commented that the circle around the approximate sites is for the setbacks that are required around oil wells' potential location.

Mr. Boulden asked if during the site visit the earth was moved, cars moved or was a metal detector used. In response, Mr. Sack stated that this is a salvage yard and usually when one finds an old oil well site, there will be evidence of dirt or something around it. There is no way that any kind of metal detector would

work in the area. He simply looked around and interviewed the property owner who has owned the site for more than 50 years. Mr. Boulden asked if anyone tried to dig down a couple of inches or feet. In response, Mr. Sack answered negatively.

Mr. Boulden stated that he would like to point out that there are other Subdivision Regulations that are applicable, and he believes that it has already been pointed out that Regulation 3.6.3n states that "the location of every well or gas well, either existing, active or inactive wells, plugged or unplugged abandoned wells, visible or known as shown on the records of the Corporation Commission should be shown on the final plat". The provision Mr. Sack mentioned previously does make reference to residential areas and it does require a 125-foot setback from oil wells in residential areas and he is not sure that is specifically applicable here. Mr. Boulden concluded that there are two regulations to be dealt with.

INTERESTED PARTIES:

Tom Frazee, 9145 South Florence Place, 74137, stated that he is not present for this item or involved in any way. He explained that his father was a casing pulling contractor. His father would pull the pipe when any wells cease to be productive and plug them. He knows that what Mr. Sack is stating that wells have been plugged long ago and if they are done properly it would be difficult to find them.

TMAPC COMMENTS:

Ms. Cantees asked Mr. Sack if he is planning to build on the property. In response, Mr. Sack stated that there are some plans to build a warehouse on the subject property, but it is not in the location of the wells. He thought he solved the well situation and he didn't want to encumber the subject property with setbacks or anything else. Mr. Sack indicated that since the proposed warehouse is not near the wells, he didn't have a problem showing them, but once he had the clean certificate he felt no need to encumber the subject property.

Ms. Cantees asked Mr. Sack if he were to dig and find a well he would have to take some action. In response, Mr. Sack stated that he would have to contact the Corporation Commission and have it properly plugged if it is not already plugged.

Mr. Ard asked staff if they had any comments after hearing Mr. Sack's explanation.

Mrs. Fernandez stated that she wanted to make the Planning Commission aware that this is still a concern to staff. She spoke with two individuals from the Corporation Commission and one said that if there is a well out there, it is always out there unless there is a record that it has been plugged. Another person said that they don't do field inspections anymore and recent production means one to

two years. To clarify, showing the wells on the draft final plat and having a well show up on the certificate trigger red flags to the staff. Even if one obtains a new certificate, amended, stating that there is no recent production, she wanted to bring to the Planning Commission's attention the fact that staff had concerns about this.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-1-0** (Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; Ard "nay"; none "abstaining"; Bernard, Carnes, Collins, Harmon "absent") to **APPROVE** the final plat for Apex Auto Salvage.

PRELIMINARY PLAT:

Oxford Court – (9426)

(PD 17) (CD 6)

North of the northwest corner of East 47th Street
South and South 177th East Avenue

STAFF RECOMMENDATION:

This plat consists of 28 lots, two blocks, on ten acres.

The following issues were discussed August 17, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3.
2. **Streets:** Location map is not complete. Show 50-foot right-of-way width on 45th Street South and 175th East Avenue. Stub street to west or north is recommended. Include Lynn Lane as street name for 177th East Avenue. Purpose of Reserve B is not given nor referenced in covenants. Section I should be "Streets, Easements, and Utilities." Subdivision Regulations require sidewalks on the arterial and the residential streets. Delete the reference to maintenance of a private street in Section III A. Dedicate to the public the "street right-of-way". Include standard language for Limits of No Access.
3. **Sewer:** Additional easement may be required depending on the final location of the sanitary sewer to serve the platted area. The proposed subdivision is entirely within the service area boundary established for the Stone Creek Farms Lift Station. All lots within this service area shall pipe sewage to this lift station. The developer will be required to pay \$700.00/acre Broken Arrow System Development Fee and \$640/acre excess capacity fee for the Trinity Creek agreement. There will be a Use and Relief fee based on acre assessment for Stone Creek Farms Lift Station. Also, the sanitary sewer pipe must be sized to handle ordinance flows tributary to the site, including the 80 acres to the west and the 30 acres to the north.

4. **Water:** Eliminate lasso (looped to itself) configuration and create a looped two source feed system.
5. **Storm Drainage:** Please place elevations on the contours. Label Reserve A as Stormwater Detention Facility. The utility easements must be outside the limits of the stormwater detention facility. Overland drainage easements must be added for the conveyance of the off-site water flowing onto the site and for the proposed perimeter ditch between Reserve A and Reserve B. Please use the City of Tulsa standard language for Section I.C.3 and 4. They should say Water Mains, Storm Sewers and Sanitary Sewer Services, or similar language as was used in C.1 and 2. Please add the City of Tulsa Standard Language for Overland Drainage Easements, and Stormwater Detention Facility Maintenance. Add language for the roof drainage to be piped to the street for Block 1 Lots 1, and for Block 2 Lots west of Reserve B.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements may be needed.
7. **Other: Fire:** No comment.

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes, Collins, Harmon "absent") to recommend **APPROVAL** of the preliminary plat for Oxford Court, subject to special conditions and standard conditions per staff recommendation.

Silver Ridge – (8309)

(PD 18) (CD 8)

North of the northwest corner of East 75th Street
South and South Yale Avenue

STAFF RECOMMENDATION:

This plat consists of nine lots, one block, on 6.7 acres.

The following issues were discussed August 17, 2006 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-136-A. All conditions of the PUD standards must be met and shown appropriately in the covenants. The PUD requires a 40-foot buffer along the west of the site.

2. **Streets:** Document all right-of-way dedication or ownership on Yale. Mutual access easements need dimensioning for definition. Include Limits of No Access language. Mutual access easements maintenance provisions may be problematic; recommend considering maintenance responsibility given to the Owners' Association. Dimension Limits of No Access. Change the 50-foot access to 40 feet of access and ten feet of no access.
3. **Sewer:** Add perimeter easements where none are shown. Show the existing easement where the existing sanitary sewer pipe will remain. An easement may be required in Reserve A, or identify Reserve A as utility easement. Include Reserve A in the covenants. The existing sanitary sewer line to be relocated cannot be abandoned in place. It must be removed or filled.
4. **Water:** Eliminate lasso (looped to itself) design and provide a two source feed system. Also, the four-inch water line should be replaced with a six-inch main line. Relocate fire hydrant to cover each lot.
5. **Storm Drainage:** Please label Reserve A as a stormwater detention facility and show and label the easements and facilities for the three underground stormwater detention facilities. Storm sewer easement may be required for the proposed storm sewer extending south from Lot 5. Drainage flowing onto site from Stacy Park must either be collected and piped in the utility easements, adjacent to the park, or must be conveyed in an overland drainage easement. Please add the City of Tulsa standard language for underground stormwater detention easements or modify the language used in Section I.H. to apply to the underground facilities, and add it as Section I.G. City of Tulsa standard language for overland drainage easements may need to be added. Add roof drainage language to state that all roof drainage will be conveyed to the on-site storm sewer system.
6. **Utilities: Telephone, PSO, ONG, Cable:** Easements can not be paved.
7. **Other: Fire:** Indicate location of emergency access easement. Fire Chief shall approve the installation of security gates across a fire apparatus access road. There shall be an approved means of emergency operation where security gates are installed. The security gates and the emergency operation shall be maintained operational at all times. Need e-mail address for surveyor per Subdivision Regulations 3.3.3 (a). Complete the location map. Dimension to the point of beginning or point of commencement and add Appendix D of the Subdivision Regulations with the plat. Show the tangent points along curves. Add the described basis of bearing from Silver Oaks to the basis of bearing. A legal survey closure form will be required per Subdivision Regulations, Section 3.3.3 (r). Complete location map. Include resubdivision information on plat. Section I should be titled "Utilities and Easements". Language is needed for establishing Silver Ridge Offices Owners Association, Inc., which is reference in section I.H. 5, but no mentioned anywhere. Provisions are needed for restrictions and maintenance of the 35-foot natural buffer on the west side.

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes, Collins, Harmon "absent") to recommend **APPROVAL** of the preliminary plat for Silver Ridge per staff recommendation.

ZONING PUBLIC HEARING

Application No.: PUD-306-I

MAJOR AMENDMENT

Applicant: Peter Kavanaugh, Zone Systems, Inc. (PD-18) (CD-8)

Location: South of southwest corner South Harvard Avenue and East 91st Street

STAFF RECOMMENDATION:

BOA-19764 February 24, 2004: The Board of Adjustment approved a Special Exception to allow produce, bedding plants and Christmas trees sales (Use Unit 2) for a maximum of 179 days per year for 10 years in a CS zoned district and a Special Exception to allow gravel parking, per plan with condition for 10-year time limit on property abutting north of subject property. On this property there have been multiple BOA requests for similar uses from 1990 through 2004 (BOA-18376, BOA-17672, BOA-17346, BOA-16595, and BOA-15331).

PUD-306-A April 1985: All concurred in approval of a proposed major amendment to PUD-306 to abandon Area B-3 as presented in the amendment and reducing total number of units from 88 to 57 and amending standards for Area B-2 to state "church or single family, cluster, or low density multifamily on subject property.

PUD-306 February 1983: All concurred in approval of rezoning and the proposed PUD on 273 acres which included the subject tract for a mixed use development.

BOA-10998 May 1, 1980: The Board of Adjustments approved a Special Exception to allow a cemetery and related uses on property located and abutting east of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7.25± acres in size and is located south of southwest corner South Harvard Avenue and East 91st Street. The property has a church on it and is zoned RS-3/PUD-306-A.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Residential Collector	60'	2 lanes

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

SURROUNDING AREA: The subject tract is abutted on the east by a single family residential and a cemetery, zoned AG; on the north by vacant land, zoned RM-0/RM-1; on the south by single family residential, zoned RS-2/PUD-306-A and on the west by drainage easement and residential, zoned RM-1/PUD-306.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low-Intensity, No Specific Land Use.

STAFF RECOMMENDATION:

The applicant is requesting a major amendment to PUD-306 to allow a communications tower. The proposed 120-foot tower is proposed on an existing church site, west of the north parking lot and immediately adjacent to the north boundary. Although the property to the north is vacant, it is zoned RM-0 for low-density multi-family use. Section 1204 requires that towers be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower, or in this case 132 feet, from any adjoining lot line of a residential, office or agricultural zoned lot. Although this requirement can be modified by the Board of Adjustment (or TMAPC by major amendment) staff finds that the proposed use is not in harmony with existing and expected development of surrounding areas and recommends **DENIAL** of PUD-306-I as proposed.

Comments from 8/17/06 TAC:

General: No comment.

Water: A six-inch water main and three-way fire hydrant within a 20' water line easement are nearby.

Fire: No comment.

Stormwater: No comment.

Wastewater: No comment.

Transportation: No comment.

Traffic: No comment.

GIS: No comment.

County Engineer: No comment.

MSHP: No comment.

LRTP: No comment.

TMP: No comment.

Transit: No comment.

Applicant's Comments:

Peter Kavanaugh, 1620 Haudley, Suite A, Dallas, Texas 75208, representing Verizon Wireless, submitted photographs and plans (Exhibit E-1) and cited the problem areas and stated that Verizon is trying to provide coverage throughout the community at a level that will allow the cell phones to work inside the homes, cars and offices. Verizon is collocating on existing structures when possible, but in this case there are no structures available. Since there is no structure available Verizon would like to install a flagpole-type pole, but it will not have a flag on it. The antennas are inside the structure.

Mr. Kavanaugh stated that he sent the map of the proposed site to all of the neighboring residents indicating the location where the pole would be located. There will no antennas on the outside and an eight-foot masonry wall that will surround the southwest and east sides of the compound with landscaping. There will be a wood fence adjacent to the multifamily. He commented that people tend to not notice the antennas. The proposed site is far back into the subject property and away from residential.

TMAPC COMMENTS:

Mr. Ard asked Mr. Kavanaugh if he spoke with the church about moving this to the interior site to have more distance from the RM area. In response, Mr. Kavanaugh stated that he didn't, but he believes the church would probably agree to that. He provided the aerial photograph to all of the neighbors indicating the proposed location. He didn't think that 130 feet would make that much difference.

INTERESTED PARTIES:

Tom Frazee, 9145 South Florence Place, 74137, stated that there is a narrow creek on the west end of the church's property and across the creek is where Wind Wood Subdivision with 27 homes, then there is the College Park Addition. The homes near the creek would be in view of the pole that is proposed. He agrees that having the pole on the church property is probably the least offensive, but he expressed concerns about a zoning change.

Mr. Ard informed Mr. Frazee that we are not talking about changing the zoning, but simply allowing a cell tower. The zoning on any of the subject property or surrounding properties would not be changed.

Mr. Frazee indicated that he would prefer that the cell tower not be allowed.

Neal Tomlins, 9418 South Jamestown, 74137, President of Tanglewood Homeowners Association, stated that his subdivision is directly to the east across Harvard. He indicated that the subdivision is on high ground and would look onto the subject property. The association is opposed to the cell tower and will be impacted by this proposal. He urged Verizon to seek another location and 91st and Delaware is fully commercial, which would be a much better place for this

pole. Mr. Tomlins cited several commercial areas nearby that would be more suitable for the cell tower. He requested the Planning Commission to deny this application.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-1-0** (Ard, Bayles, Cantrell, Jackson, Midget, Wofford "aye"; Cantees "nay"; none "abstaining"; Bernard, Carnes, Collins, Harmon "absent") to recommend **DENIAL** of the major amendment for PUD-306-I per staff recommendation.

Application No.: Z-7036

RS-3 to IL

Applicant: Jim R. & Sheila A. Mullings

(PD-9) (CD-2)

Location: Southeast corner of Highway 75 and West 39th Street

STAFF RECOMMENDATION:

Z-6962 December 2004: All concurred in approval of a 4± acre tract from RS-3 to IL for light industrial uses located on the northeast corner of West 39th Street and South Tacoma Avenue.

Z-6692 May 1999: All concurred in approval of a request for rezoning a 1.08± acre tract of land from RS-3 to IM for a warehouse for roofing business located on the southwest corner of West 37th Place and South Elwood.

Z-6540 June 1996: All concurred in approval of a 1.62± acre tract from CG to CH located on the northwest corner of South Yukon Avenue and Southwest Boulevard.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately ±.66 of an acre in size and is located at the southeast corner of Highway 75 and West 39th Street. The property appears to be vacant and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 39 th Street	N/A	N/A	2
Highway 75	Freeway	Varies	Varies
West Tacoma 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 single-family residential uses, zoned RS-3; farther east by mixed industrial uses, zoned IL; on the north by an industrial pipe yard, zoned IL and single-family residential uses, zoned RS-3; on the south by Highway 75, zoned RS-3; and on the west by Highway 75, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 9 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 5, an area largely planned for industrial uses (Section 3.5). According to the zoning matrix the requested IL **may be found** to be in accord with the District Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, trends in the area and nearby uses, staff can support the requested rezoning and therefore recommends **APPROVAL** of IL zoning for Z-7036.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Walter Rike, 1336 West 39th Street, 74107, stated that his property is to the east of the subject property. He expressed concerns with water drainage, building setbacks and traffic on a dead-end street.

Mr. Ard stated that drainage is not the Planning Commission's purview and a property under development cannot add to the water flow across the adjacent property to any greater extent than it already exists.

Ms. Matthews stated that with the rezoning it would trigger the platting process and part of that process involves the Technical Advisory Committee (TAC) and they will look at the stormwater drainage. Ms. Matthews stated that the applicant will have to adhere to the zoning setback requirements as well.

Applicant's Rebuttal:

Jim Mullings, 5324 West 46th Street, 74107, stated that he doesn't have any immediate plans for the subject property. He is simply trying to get the zoning change and he understands that the Planning Commission only deals with the zoning change issue and the other issues he will deal with other boards.

TMAPC COMMENTS:

Mr. Midget moved to approve the IL zoning for Z-7036 per staff recommendation.

Mr. Jackson seconded.

Mr. Jackson informed the interested parties and the applicant that this is the first step is how property is rezoned. There will be other agencies that will review this issue and address the drainage, traffic flow, etc. during the platting process.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes, Collins, Harmon "absent") to recommend **APPROVAL** of the IL zoning for Z-7036 per staff recommendation.

Legal Description for Z-7036:

Lot 5, Block 6, Interurban Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the plat thereof, LESS a strip or parcel of land lying in said L 5 being described by metes and bounds as follows: Beginning at the Southwest corner of said L 5; Thence North along the West line of said L 5, a distance of 329.15'; Thence South 32°05'15" East a distance of 250.96' to a point on the East line of said L 5; Thence South along the East line of said L 5, a distance of 115.00' to the Southeast corner of said L 5; Thence West along the South line of said L 5 a distance of 130.00' to the Point of Beginning. **From RS-3 (Residential Single Family High Density District) To IL (Industrial Light District).**

Application No.: Z-7037

RS-1 to RS-3

Applicant: Geri Berryhill

(PD-5) (CD-5)

Location: West of southwest corner of East 19th Street and South 85th East Avenue

STAFF RECOMMENDATION:

PUD-308-3 2006: A minor amendment to PUD-308 will be heard September 6th to permit gated entries and addition of customary accessory buildings within the delineated common open space, to include a swimming pool, club house and playground. Upon review staff has recommended approval subject to conditions.

BOA-20152 November 22, 2005: The Board of Adjustments approved a Special Exception to allow a private school in an OL district per conceptual plan and with conditions on property located southeast of subject property.

PUD-550-A September 2004: A major amendment to PUD-550 was approved to include a hotel/motel use within PUD-550, on a 1.7-acre tract located in the southwest corner of PUD-550.

BOA-19850 June 22, 2004: The Board of Adjustments approved a Special Exception to allow a church in an RS-1/OL district, per plan and with conditions on property located northeast of subject property.

Z-6880 February 2003: A request to rezone a 5+ acre tract from RS-3 to CS/RM-2 for commercial and apartments on property located north of northwest corner of East 21st and South Memorial. Staff recommended denial unless accompanied by a PUD and the TMAPC recommended approval of CS zoning on the eastern half, with the western boundary of the CS aligning with the existing OM district to the south and retain RS-3 zoning on the balance of the subject property.

PUD-439-A May 1999: All concurred in approval of a proposed major amendment to PUD to add a 2.39+ tract to the original PUD-439 and to modify the development standards to include this property per staff recommendation and modified by TMAPC and City Council on property located on the northeast corner of East 21st Street and South 89th East Avenue.

PUD-550 December 1996: Approval was granted, subject to conditions, for the proposed mixed commercial/industrial development on a sixty-acre parcel located on the south side of East 21st Street and west of South 91st East Avenue. Limited CS uses were proposed for the north eight acres fronting East 21st Street and the U. S. Post office, postal processing and distribution facilities and light industrial (IL) uses were proposed for the remainder of the tract.

BOA-17585 December 10, 1996: The Board of Adjustments approved a Special Exception to allow a church in an RS-1/OL district subject to returning to the Board with a detailed site plan on property located west of subject property.

Z-6558 October 1996: All concurred in approval a request to rezone a tract from OL to CS for parking for a grocery store, located on northeast corner of East 21st Street and South Memorial.

Z-6203/PUD-439 November 1988: All concurred in approval of a request to rezone 2.39 acres of property from OL to CS/PUD and a proposed PUD for office and small product fabrication, processing and repair on property located on the northeast corner of East 21st Street and South 89th East Avenue.

PUD-308 February 1983: All concurred in approval of a proposed Planned Unit Development on a 2.38+ acre tract for townhouses on property located south of

East 19th Street South and east of South Memorial Drive and abutting the subject property to the west.

PUD-90 June 1970: Approval was granted to transfer the twenty-five acre tract located on the north and the south side of East 25th Place South and on the east side of South Memorial Drive from CDP 16 to a Planned Unit Development PUD-90 for a mixed use development.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately ±one acre in size and is located west of the southwest corner of South 85th East Avenue and East 19th Street. The property is vacant and zoned RS-1.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 19 th Street	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 single-family residence, zoned RS-1; on the north by single-family residences, zoned RS-2; on the south by a commercial shopping/mixed use center, zoned CS and on the west by a multifamily residential development currently under construction, zoned RD and RM-O.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity – Residential land use. According to the zoning matrix, the requested RS-3 is in accord with the District Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and adjacent development, staff can support the requested rezoning and recommends **APPROVAL** of RS-3 zoning for Z-7037.

Ms. Matthews stated that this is for one acre that would allow at the most five units. There are some letters of protest that have been submitted and there are some misstatements in the letters. The letter that was circulated among the neighbors states that a similar development to the RD and RM-0 could go on the subject property and that is not true. The applicant is asking for only RS-3, single-family development. Staff can support and recommend Approval of the RS-3 zoning.

TMAPC COMMENTS:

Mr. Jackson asked staff to inform the interested parties what uses could be allowed in the RS-3 district.

Ms. Matthews stated that basically RS-3 only allows single-family residential; however, she would read the following from the Zoning Code: Area wide uses by right, area wide special exception uses (have to go to BOA), public protection and utility (by special exception through BOA), community services and similar uses (by special exception through BOA), single-family dwelling, duplex dwelling (by special exception through BOA), and there are several conditioned multifamily dwelling and similar uses (all have special conditions and require special exception by the BOA).

Mr. Midget clarified that the only use that could go in by right would be a single-family structure. In response, Ms. Matthews answered affirmatively.

Mr. Ard asked the maximum number of single-family detached dwellings that could be on the subject property. In response, Ms. Matthews stated that it is approximately five units per acre and that is being generous.

INTERESTED PARTIES:

Al Nichols, 8525 East 16th Street, 74112, Board member of Mingo Valley HOA, stated that what Tulsa has is incremental zoning whereby an applicant is approved for a particular type of zoning over the objections of the people who live there and then someone uses that as justification for another incremental zoning and that is what he is concerned with when there is this type of increased concentration in their zoning. Mr. Nichols submitted photographs (Exhibit F-1) and explained that he protested against the change in zoning for the neighborhood. It is now RS-2 and there is now a little quiet neighborhood across the street from the subject property. These zoning changes or trend downward all the time and one is used as justification for additional down-zoning. He commented that the photograph may be irrelevant to the issue today, but this is what the people in that little community are looking at, even though it isn't within today's request, it is what they worry about. [The photographs (Exhibit F-1) are for properties that are not under application today and are zoned differently from what is being requested today. The photographs are of RM-0 and RD zoning and the applicant is requesting RS-3, single-family.]

Mr. Nichols stated that he understands that the zoning request is for RS-3, but he wonders if this is the first step and RS-3 is incompatible with the neighborhood because immediately east of the subject property is RS-1 and across the street is RS-2. Mr. Nichols further stated that INCOG is recommending approval, but in his estimation their analysis does not justify their conclusion. The RS-3 is a higher density than the rest of the surrounding neighborhood. Staff is using adjacent development as justification for recommending approval and there is

RD on one side and RS-1 on the other side. He doesn't believe staff's argument is justified to allow RS-3 zoning.

Mr. Boulden called time.

Mr. Midget asked Mr. Nichols what was wrong with the first picture that he displayed of a subdivision that was zoned RS-2. In response, Mr. Nichols stated that there is nothing wrong with the neighborhood as far as he is concerned. He explained that had he had a choice 30 years ago he would have preferred that it remain RS-1. He stated that he is sure the residents of that neighborhood would disagree with him because it is a nice neighborhood.

INTERESTED PARTIES:

Hank Brandt, 8937 East 15th Street, 74112, President of Mingo Valley HOA, stated that there are some problems with drainage and he prefers that this remain RS-1. There have been requests made of the City to install underground drainage, but that has never been done. He indicated that water from an adjacent parking lot runs onto the subject property. If five homes are allowed on the subject property, there will be more drainage and he asked where the water will go.

Mr. Brandt cited the history of the subject area with regard to drainage, lot-splits and restrictive covenants. He concluded that he would prefer that this remain single-family in order to preserve the neighborhood. Mr. Brandt stated that there is another item later in the agenda and he has no objection to it or a gated community.

Applicant's Comments:

Justin Cook, Cook & Associates Engineering, 121 East College, Broken Arrow, Oklahoma 74014, representing Geri Berryhill, stated he is simply asking for zoning from RS-1 to RS-3 in an effort to get a lot-split approved. He is requesting RS-3 in order to meet the lot-width and there will be two homes on the subject property. Originally it was purchased for three homes, but it was determined that it was not financially feasible to put three homes on it. There will be some stormwater and utility extensions and there will only be two homes on the property, as it will be split in half. It would be impossible to put five homes on the subject property and three would be the most possible, but that is not planned. Two homes will not impact the neighborhood and two homes fit better than three homes. The homes will be single-family detached homes, which will not be rentals, but purchased by the homeowner.

Mr. Ard asked if the lot is large enough to do a lot-split and keep it RS-1. In response, Mr. Cook stated that the lot is deeper than it is wide and he needs the width and felt it would be cleaner to request RS-3. The two homes will be facing 19th Street.

INTERESTED PARTIES:

Beth Roberts, 1820 South 84th East Avenue, 74112, stated that she lives on the northwest corner lot across from the RD zoned property and adjacent to the subject property. She indicated that she took petitions out to everyone in the neighborhood and everyone is concerned about what is going into the subject property. Two homes are going to be very tight and she is concerned that they considered three homes. Ms. Roberts expressed her concerns with the RD-zoned property within the neighborhood and asked if the RS-3 were approved and they changed their mind later, would they be stopped from putting duplexes on the subject lot. She indicated that there is already a zoning violation on the RD-zoned property. Ms. Roberts expressed concerns with the existing drainage problems and future drainage problems with this proposal.

Ms. Matthews stated that she would like to clarify that several interested parties keep referring to a zoning violation to the west. That property is part of a PUD and it was all approved through the Planning Commission and the City Council with 27 units, which is zoned RD. The RD-zoned property has to comply with the PUD standards.

Geri Berryhill, P.O. Box 297, Okmulgee, Oklahoma 74447, stated that her plan is to build two homes and two homes only. The homes will be approximately 1500 square feet, single-family, brick veneer, and the families are screened prior to placing them in the homes. They try to blend in with the existing neighborhoods and not create a nuisance or obstacle. If there are covenants and ordinances, they will be adhered to.

TMAPC COMMENTS:

Ms. Bayles asked Ms. Berryhill if these houses will be built for sale or for lease. In response, Ms. Berryhill stated that the homes will be purchased over a 25-year period.

Ms. Bayles stated that she is assuming something and she apologizes for doing so, but are we talking about these homes being purchased by Native American families giving their size. In response, Ms. Berryhill answered affirmatively.

INTERESTED PARTIES:

Joe Conner, 8502 East 15th Street, 74112, thanked the Planning Commissioners for volunteering to be on the Planning Commission. Mr. Conner stated that he lives three blocks from the subject property. He further stated that he would like to have a couple of questions stipulated into this agreement if the applicant rezones the subject property to RS-3. He would personally like to see this rezoned to RS-2. Mr. Conner expressed concerns with water runoff because the facility next to the subject property has compounded the drainage problem when three or four duplexes were torn down and three two-story units or townhouses were built that are now on the market. The street was torn out, which the developer claims was a private street and they did not provide any

drainage facility nor is there any on record with the City of Tulsa. He doesn't want the Planning Commission to think that he is singling her out for any reason whatsoever. Primarily the reason he is opposed to the rezoning is due to drainage issues. He would like to know if the applicant is going to do anything to catch the water like the other people in the area have done.

Mr. Conner asked what the lot width is for the subject property. In response, Ms. Matthews stated that it is approximately 149.10' in width. Ms. Matthews informed Mr. Conner that the lots have to be 60 feet wide for RS-3, 100 feet in width for RS-1 and 75 feet in width for RS-2. He requested that the Planning Commission consider rezoning the subject property to RS-2 and make an exception for that .81 foot so that they could have the two houses. With that he believes everyone in the subject area would feel better. Perhaps it was erroneous information, but he was informed that the same company on the RD-zoned property has offered to purchase the property from Ms. Berryhill and face houses into their own property line.

Gilbert Fallini, 8416 East 19th Street, 74112, stated that his property is at the corner, which he believes is zoned RS-1. He indicated that he would like to put in a motion that the subject area is high density with traffic problems on 19th Street. He too expressed concerns with the drainage problems in the subject area.

TMAPC COMMENTS:

Mr. Ard stated that the Planning Commission has no purview over drainage and it will be addressed during the platting process, which will be triggered if the subject property is rezoned.

Mr. Jackson asked Legal if the Planning Commission can approve the RS-2 and waive the .81 inches that they would lack to split the land for two homes. In response, Mr. Boulden stated that the Planning Commission can't anticipate that the applicant would be granted a variance by the Board of Adjustment (BOA).

Mr. Jackson stated that he would move to approve the RS-3 zoning per staff recommendation.

Mr. Midget seconded.

Mr. Ard stated that he is having a hard time with this particular application. He is familiar with this area and these properties specifically. The townhouse development strikes him as being well built, high quality and he would suggest that they bring value to the neighborhood. In his opinion, if what the developer is trying to do is something that would add value, then he doesn't have a problem with it. In this case he is a little concerned about the lot being split because most of the lots in the subject area are large lots. The lots will be narrow and they will be putting small homes on it. On the other side, it does back up to a CS district

where there is a large shopping center and it would provide some buffer between the PUD that has the RD and RS-2 zonings and the CS area. He believes he will go along with staff's recommendation, but it is a difficult question for him.

Ms. Cantrell stated that she shares some of the similar concerns. Two houses seems fine for the subject area, but her only concern is that if they decide not to develop the two homes and try to put five homes instead. That would be too dense to be next to the large lot houses. She doesn't see how they could have five homes on the tract because it is a narrow lot and she would support the staff recommendation for RS-3 as well.

Ms. Bayles stated that she is going to make one comment that is not directly related to this case, but she thinks indicative of what we are seeing. Mr. Brandt and Mr. Nichols are well-informed neighborhood advocates and she too would have been misled by seeing staff recommendation for the RS-3 approval without having known the details that Ms. Berryhill brought forward to us today. Her information was highly pertinent, as well as was the applicant from Cook and Associates. Had that information been communicated between the parties, the applicant and the neighborhood, there probably would not have been as much discussion on this and more consensus. Ms. Bayles stated that she is encouraging what she hopes would be a positive public participatory process by all parties concerned and perhaps a little more information made available for staff that accurately communicates the intention of this particular application.

Mr. Jackson stated that he is glad that everyone has some comments about this. Everyone keeps saying small lots, but there is nothing wrong with a 75' x over 150' lot. In new home construction today that is almost impossible to achieve. A 1500 SF home is getting back into realities and these homes will be comparable in price to the ones that already exist, if not higher in \$207,000.00. A 1500 SF home in many parts of the country is not considered a very small home. This is a medium home for a medium family and he doesn't think it will be different from anything that is built in the surrounding area as far as size goes. A 75-foot frontage is not something that should be turned down because it is an allowable frontage and creates great sideyard setbacks, good frontyard building setbacks and green space in the rearyard. This will be a good buffer from the RD to the RS-1 and RS-2 across the street.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted **6-1-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget "aye"; Wofford "nays"; none "abstaining"; Bernard, Carnes, Collins, Harmon "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-7037 per staff recommendation.

Legal Description for Z-7037:

The west 150' of the east 300' of the north half of Block 9, O'Connor Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the plat thereof, **From RS-1 (Residential Single Family Low Density District) To RS-3 (Residential Single Family High Density District).**

Application No.: Z-6333-SP-3

CORRIDOR SITE PLAN

Applicant: Greg Warren

(PD-18) (CD-7)

Location: 7600 South 103rd East Avenue

STAFF RECOMMENDATION:

BOA-20305 July 25, 2006: The Board of Adjustment approved a Special Exception to permit a public park (Use Unit 2) on subject property, subject to limiting the access through the Cancer Treatment Center in accordance with the access agreement requiring the City to furnish the agreement for file records, and with no access from northern or western boundaries. The case was taken in error as the site is located within a Corridor District and therefore requires Corridor Site Plan approval. Once it was discovered the applicant was notified and the present application Z-6333-SP-3 was submitted and processed.

PUD-579-A-1 January 2002: The TMAPC approved a Minor Amendment to PUD to amend Development Areas subject to conditions of staff recommendation.

PUD-575-A/Z-6611-SP-2 December 2001: All concurred in approval of a proposed Major amendment to PUD and Corridor Site Plan on a 5.74 acre tract for an assisted living facility and previously approved mini storage on property located north of northeast corner of East 81st Street and Mingo Road.

PUD-498-B February 2001: All concurred in approval of a Major Amendment to PUD to increase maximum square footage allowed on 1.24± acre tract located on the southwest corner of East 73rd Street and South 101st East Avenue subject to conditions.

Z-6714-SP-1/PUD-498-A October 1999: All concurred in approval of a request to rezone the subject tract from OM/PUD to CO/PUD for a proposed 2-story, 63-room hotel.

Z-4900-SP-4 June 1999: All concurred in approval of a proposed Corridor Site Plan on a 12.7 acre tract for a 184 unit multi-family complex on property located on the southeast corner of South Mingo Road and East 75th Street South.

PUD-579-A/Z-6333-SP-2 February 1999: All concurred in approval of a proposed Major Amendment to PUD-579 and a Corridor Site Plan to amend boundary of PUD, create 3 development areas, add Use Units 2 (private clubs), 5 (community centers), 11, and to establish permitted uses for new Development Area on property located on the north side of East 81st Street and west of Mingo Valley Expressway.

PUD-579/Z-6333-SP-1 February 1998: All concurred in approval of a proposed PUD on a 49 acre tract which is located on the north side of E. 81st Street S. at the Mingo Valley to allow a mixed residential development which would include townhouse dwellings, apartments, churches, private schools and other uses that are compatible with a residential environment, subject to approval of detail site plan approval with the PUD standards being met, for each development area prior to issuance of building permits.

Z-6611/PUD-575 December 1997: All concurred in approval of a request to rezone a 32.8-acre tract located ¼ mile north of the northeast corner of East 81st Street and South Mingo Road, which included the subject property, from AG to CO/PUD. The PUD that was approved allowed for multifamily uses on the south half (Development Area A) and a mini-storage facility with a single-family dwelling and accessory office use for the storage facility on the north half (Development Area B) of property.

PUD-521-A February 1996: All concurred in approval of a proposed Major Amendment on a 2.43 acre tract for a cell tower in Development Area C on property located west and south of southwest corner of East 71st Street and Mingo Valley Expressway.

PUD-531 April 1995: All concurred in approval of a proposed Major Amendment on a 36.8 acre tract for 3 development areas: Area A is 10.8 acres for commercial shopping; Area B is 4.6 acres for office; Area C is 18.6 acres for apartment on property located on the northeast corner of East 81st Street and Mingo Road.

Z-6469/PUD-521 January 1995: All concurred in approval of a request to rezone an 8.1 acre tract located on the southwest corner of E. 71st Street and S. Mingo Valley Expressway from CO and OL to CS/RM-2; PUD for a retail shopping center with restaurant use.

Z-6402/PUD-498 May 1993: A request to rezone an 11.4-acre tract that included the subject property, from CS and CO to CS/PUD. Staff and TMAPC recommended approval of CS zoning on only the north 330' and OM zoning on

the remainder of the tract. City Council concurred in the approval of CS on the north 330 and OM on the balance with approval of the PUD with conditions.

Z-4900-SP-3 November 1985: All concurred in approval of a Corridor Site Plan and detail landscape plan to permit a courier/mail service with a 37,400 square foot building per conditions.

Z-5537-SP-1 October 1985: All concurred in approval of a proposed Corridor Site Plan on an 80 acre tract of land for an Intermediate High School for Union Public School System on property located north of the northwest corner of South Garnett Road and East 81st Street and abutting Mingo Valley Expressway.

Z-4900-SP-2 February 1983: All concurred in approval of a proposed Corridor Site Plan on a 12 acre tract for 276 multifamily dwellings on property located south of southeast corner of East 71st Street and Mingo Road.

Z-4900-SP-1 February 1983: All concurred in approval of a proposed Corridor Site Plan on a 16.6 acre tract for multi family dwellings on property located south of southeast corner of 71st Street and Mingo Road.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 20± acres in size and is located northwest of northwest corner of East 81st Street South and Mingo Valley Expressway. The property is heavily wooded and vacant and zoned CO.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
none	N/A	N/A	N/A

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

SURROUNDING AREA: The subject tract is abutted on the east by the Mingo Valley Expressway, zoned AG; on the north by vacant wooded land, zoned CO; on the south by vacant land, zoned CO/PUD-579-A and on the west by vacant wooded land, zoned CO/AG.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as **low intensity-no specific land use/development sensitive**.

STAFF RECOMMENDATION:

Tulsa Parks and Recreation is requesting corridor site plan approval for Upper Haikey Creek Park. Cancer Treatment Center is donating land for the new public park which is proposed on a large flood plain area centered on Haikey Creek.

The site abuts the Cancer Treatment Center on the south, undeveloped land to the north and west, and U.S. Highway 169 on the east. Access to the park is proposed through the Cancer Treatment Center, which is accessed via South 102nd Avenue and East 81st South. Mutual access easements through the Cancer Treatment Center site to the park will be necessary.

The park proposes to use Cancer Treatment Center parking for its patrons. Parking requirements for public parks, a Use Unit #5, are based upon stadium seating, floor area of community centers or recreation buildings and pool area. Per the park plan, the splash pad and shelter/pavilion would have parking requirements. Parking must be either provided on site, or Board of Adjustment approval of a special exception for off-site parking and parking agreement with Cancer Treatment Center will be necessary.

Plans for the park include a one-mile jogging/walking trail and an activity cluster consisting of a pavilion/ shelter, splash pad and playground. The activity cluster is proposed in the southeast section of the park, next to the Cancer Treatment Center and away from any future low intensity development. Additional parking may be provided in the park near the activity cluster and would be accessible through the Cancer Treatment Center property.

The planned and funded Mingo Valley trail along the west side of U.S. Highway 169 will intersect with the park. Therefore, connections should be made to conjoin the planned park trail system to the planned Mingo Valley Trail on the north and south sides of the park, with the Mingo Valley Trail having a relatively direct route through the eastern edge of the park between the north and south connections.

Staff finds the proposed corridor development to be (a) consistent with the Comprehensive Plan; (b) in harmony with the existing and expected development of surrounding areas; (c) a unified treatment of the development possibilities of the project site; and (d) consistent with the stated purposes and standards of the Corridor Chapter. Upon provision of necessary mutual access easements, the proposed park will provide proper accessibility, circulation and functional relationship of uses. Therefore, staff recommends **APPROVAL** of Z-6333-SP-3 as amended by staff and subject to the following conditions:

1. The applicant's Concept Development Plan be made a condition of approval, unless modified herein.
2. Development Standards:

Gross Area: 20.356 AC

Permitted Uses:

Public Park as provided in Use Unit #5, Community Services and Similar Uses and Off-Street Parking.

Parking:

Per the applicable Use Unit of the City of Tulsa Zoning Code. Off-site parking may be permitted by special exception through Board of Adjustment approval and TMAPC approval of the detail site plan.

Access:

Permitted through the Cancer Treatment Center property per mutual access easement(s). Documentation of filed easements shall be required prior to plat and detail site plan approval.

Pedestrian and Vehicular Circulation:

Connections should be made to conjoin the planned park trail system to the planned Mingo Valley Trail on the north and south sides of the park, with the Mingo Valley Trail having a relatively direct route through the eastern edge of the park between the north and south connections.

Lighting:

No light standard, whether pole or building-mounted, shall exceed 25 feet in height. All lights, including building mounted, shall be hooded and directed downward and away from residential district boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

Signage:

One identification sign not to exceed 32 square feet in display surface area or 12 feet in height is permitted at the main entrance to the park.

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking, screening fences and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
4. No sign permits shall be issued for erection of a sign on a lot within the Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.

5. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required Stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
6. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the Corridor Site plan conditions of approval and making the City beneficiary to said covenants that relate to the Corridor Site Plan conditions.
7. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
8. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
9. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the Corridor Site Plan.

Comments from 8/17/06 TAC:

General: No comment.

Water: No comment.

Fire: No comment.

Stormwater: A Certified Letter of Map Revision (CLOMR) will be required for any work done in this West Branch Haikey Creek FEMA Floodplain, and no changes can be made to the FEMA Floodway. City of Tulsa Haikey Creek P19 Detention Facilities is located in this Corridor and is more extensive than what is shown on the Corridor plans. The Corridor plan shows "Detention" in the Compensatory Storage Easement provided for the Tall Grass Addition. Please correct this. How is access being provided to the Park? The general public cannot be allowed vehicular access to the Park by using the City of Tulsa's maintenance access roads.

Wastewater: Must coordinate with Underground Collections to connect to the existing 16" sanitary sewer line. The 8" line adjacent to the South property line is available for connection. Contact Mark Rogers at 669-6117. Also, there are fees associated with connection to this excess capacity line. You may have to pay \$700/acre to the City of Broken Arrow for System Development Fee. Bob Shelton did not think the City of Tulsa should pay \$1,128.03/acre for the Excess Capacity Fee. We must make sure before planning goes much further.

Transportation: Hwy 169 R/W is not shown. Public access appears limited to access via private Cancer Treatment Center parking lot. Is perimeter fencing being contemplated?

Traffic: No comment.

GIS: No comment.

County Engineer: No comment.

MSHP: No comment.

LRTP: No comment.

TMP: Mingo Creek Trail planned in vicinity. Recommend Mingo Trail connections in the north and south sides of the design.

Transit: Currently, Tulsa Transit operates an existing route on 81st Street South, between Mingo Road and US 169. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

TMAPC COMMENTS:

Mr. Midget asked Mr. Warren if this is the Parks Department's application or is an application from the City of Tulsa. In response, Mr. Warren stated that this is an application with the Tulsa Park's Department, i.e. the City of Tulsa.

Mr. Midget asked if this creates a problem in the way that this was posted because it has Mr. Warren's name on it and not the City of Tulsa or Tulsa Parks Department. In response, Ms. Matthews stated that it doesn't create a problem at all.

Applicant's Comments:

Greg Warren, representing the Tulsa Park's Department, stated that this is basically a ten-year development plan that is being put together. In the past, there were no funds to implement this, but Cancer Treatment Center of America does have some funds and could possibly do something. They have helped put this ten-year development plan for the development of this particular park. Right now the drainage easement has been inherited and he would like to do something with it in the future and identify the improvements as walking trails, shelters, splash pads, etc.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes Collins, Harmon "absent") to **APPROVE** the corridor site plan for Z-6333-SP-3 per staff recommendation.

Application No.: PUD-308-3

MINOR AMENDMENT

Applicant: Springbrook Investment Co.

(PD-5) (CD-5)

Location: 8242 East 19th Place

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD 308, an existing residential townhouse development with private streets, to permit gated entries to the development and addition of customary accessory buildings within the delineated common open space per the existing plat, to include a swimming pool, club house and playground.

The proposed gated entries have been approved per the Fire Marshall and Traffic Engineer.

PUD-308 currently restricts uses to Single-Family Zero Lot-line Townhouses. This amendment proposes, in addition to the gated entries, to permit uses customary and accessory to the residential uses. The proposed pool, club house and playground are to be located in Reserve "C", which per the plat may be used for placement of accessory uses upon consent of ninety percent of the members of the Rainbow Park Home Owners Association. At this time, the entirety of the development is owned by the applicant, Springbrook Investments.

Staff recommends **APPROVAL** of PUD-308-3 as modified by staff and subject to the following conditions:

1. Permitted Uses:

Single-Family Zero Lot-line Townhouses and uses customary and accessory to the residential uses, including gated entries, pool, clubhouse and playground.

2. Other than the gated entries and off-street parking, proposed customary and accessory uses shall be located in Reserve 'C'.

3. Gated entries shall require approval of Traffic Engineering and the Fire Marshal and shall require detail site plan approval by TMAPC.

4. Detail plans for accessory uses other than gated entries may be approved administratively by TMAPC staff.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Beth Roberts, 1820 South 84th East Avenue, 74112, stated that she lives directly across the street from this proposal. Ms. Roberts commented that the development looks like it is outside of what it should have been. She doesn't have an opposition to it being gated, but she does have some serious concerns about a playground, clubhouse and a pool because there is no space left in the subject area. There are three four-plexes and five three-plexes on the subject property and there is no space whatsoever for a clubhouse, pool and playground.

Joe Conner, 8502 East 15th Street, 74112, stated that the plat shows Rainbow Park and he stopped by the Court House on the way to the meeting and the plat that he received is supposed to be a duplicate of what was filed with TMAPC. TMAPC's plat on file and the Court House plat on file show a variation in owner's name. Mr. Conner described the development and questioned if Stormwater Management ever had a review on this plat.

Mr. Conner doesn't object to the gated community because it will help keep the undesirables out of the area, but he wonders what will happen with the cars when they come if there is nowhere for them to park inside because the streets are very narrow. He indicated that after the last rain the road had to be torn out and now it is gravel and they are renting out the units at \$850.00 per month to people that are stuck in there because of the fact that they have a lease. He thought that there was an ordinance that the units were not allowed to be occupied until the facility was completed and without streets that is not a completed situation. He agrees that these units are very attractive and he believes that they will be put on the market to be sold and never looked at again by the investor. Mr. Conner recommended that this item be turned down until staff can find out why this is contradictory to what they think the ownership and etc. is.

Mr. Ard stated that perhaps staff or the applicant can answer some of these questions. As far as where this plat comes from versus what may be shown at the Court House, can staff explain where the plats come from that are shown in the TMAPC packets. In response, Ms. Matthews stated that the applicants bring in their plats when they apply.

Mr. Ard asked if staff assumes that the plats are correct or is there a cross-check to make sure that they are in fact the right document. In response, Ms. Matthews stated that staff always assumes that they are correct.

Mr. Ard asked staff if they review whether or not the parking is going to be affected by the gating and the site improvements. In response, Ms. Matthews stated that all of those things are reviewed and parking is a big concern.

Mr. Ard clarified that if staff is recommending approval, then all of these things have been considered and not considered to be a problem. In response, Ms. Matthews answered affirmatively.

Mr. Ard stated that most of the improvements are shown to be in Reserve Area C, which may have been shown as a retention area prior to this. In response, Ms. Matthews stated that staff can find no record of that. There was no record of retention area being required when the PUD was filed.

Applicant's Rebuttal:

Ken Sarinske, 11063-D South Memorial Drive, Suite 533, 74133, stated that he is the manager of Springbrook Investments and also the builder/developer of the subject addition. Rainbow Park, as the original PUD as it is shown, is now going to be called Sydney Court. He appreciates all of the people behind him and the neighborhood. No one up to this point has ever made any comments to him about putting this development on the subject property. It was an ugly site before he started and he believes that he has improved the neighborhood considerably and increased the tax base and value of homes in the subject area.

Mr. Sarinske stated that he had a choice of building a lower-income housing (Section Eight housing) and that is not what he tries to do when he invests in properties or built-up areas. He wanted to raise the bar to help and improve the communities. As an investor he tries to get people in starter homes and accommodate them if they have trouble financing in order to have their first home.

Mr. Sarinske stated that today is asking for an amendment to the original PUD, which did not include the gated area from 82nd Street to 84th Street. There is some reserve parking that would be behind the gates and there have been some discussion about installing sliding gates or swing gates. He believes that the sliding gates would be a little bit more trouble to maintain and the swing gates are a simply application. The gates will swing in at both entrances and would cause a parking problem right behind the gated area.

Mr. Sarinske stated that the pool issue is on higher ground in the back southwest corner of the addition. There is reserve parking in that area and there will be some steps up to make that it a garden area for the residents. Some of the existing residents would like to have a pool and it will have a small cabana (not a pool house) with bathrooms. One pool and one playground area is proposed for the residents of the addition. If the pool is not included, that is not problem for him, but the reason for requesting it was to have it in the PUD and if later down the road the residents want to have a pool, it is allowed and they would only have to obtain a permit. He indicated that originally his company was going to keep ownership of this project, but there are other projects that are ready to develop and his company has decided to sell each of the units as individual living units. If they are not all sold, then some will be kept as rentals until they can be sold.

TMAPC COMMENTS:

Mr. Ard asked Mr. Sarinske if he has had any discussion with the City regarding drainage issues and how to better manage water flow. In response, Mr. Sarinske stated that this would be up to Stormwater Management. He commented that no one has ever said anything to him about the drainage and there are some deep culverts present, which are 2.5 to three feet in depth. The culverts seem to accommodate the runoff when he has been present. Nothing has ever run over the road. The trash that the interested parties are talking about is the blow-off of trash when Albertson's existed and that store has closed. Part of the road on the Creek Nations property has an underground culvert for the runoff. He doesn't know how the addition behind the Creek Nations property ever got by without having to install a storm drain off of the parking lot because it does have runoff that has torn down the fence and runs through the area.

Mr. Ard asked Mr. Sarinske if he has any idea why his plat is different from the one filed at the Clerk's office. Mr. Sarinske stated that the PUD has been modified over the years, but nothing has been changed for 25 years that he knows of. He indicated that he built according to the plat that is on file.

Ms. Cantees asked Mr. Sarinske if the plat in the packet is the same exact plat that is on file. In response, Mr. Sarinske stated that as far as he is aware, it is the same exact plat that is on file. He isn't aware of any other plat. It has been the master plat and he has the original vellum of this addition.

Ms. Cantees stated that she is confused that someone is stating that there is a plat that is significantly different. In response, Mr. Sarinske stated that he is not aware of what that is about.

Mr. Jackson asked staff if someone has to see the pool in a two-dimensional picture or bring it back in. In response, Ms. Matthews stated that they would have to obtain a permit and would have to submit plans at that time. If the Planning Commission approves this minor amendment, then the next person to see this would be permitting.

Mr. Ard recognized Mr. Conner for any type of new information.

Mr. Conner stated that the interesting thing is that he is wondering why the person standing behind him came before this board when this drawing that they presented, which was supposedly from 1973, shows a privacy fence and this situation drawn on it and is the same exact map that is over at the Court House without it on it. Why is the applicant here if he is already a gated community?

Mr. Jackson stated that the submitted plat has a graphic illustration on it that is written in pencil just to show the proposal.

Mr. Jackson asked staff if the submitted plat looks like something from the 1970's. In response, Ms. Matthews stated that it could very well be from the 1970's. There have been some amendments processed in the past and could result in the difference in the dimensions. Both amendments in the past were to amend setbacks.

Mr. Ard stated that everything will be checked throughout the process. The Planning Commission has to assume that what is brought before them is correct. The Planning Commission is a recommending body only. By adding gates and site improvements, he believes it enhances the value of the subject property and in turn is better for the area.

Ms. Matthews stated that she needs to correct the Planning Commission that this is a minor amendment and it does not have to go before the City Council.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted **6-1-0** (Ard, Bayles, Cantrell, Jackson, Midget, Wofford "aye"; Cantees "nay"; none "abstaining"; Bernard, Carnes Collins, Harmon "absent") to **APPROVE** the minor amendment for PUD-308-3, subject to the following conditions: Permitted Uses: Single-Family Zero Lot-line Townhouses and uses customary and accessory to the residential uses, including gated entries, pool, clubhouse and playground. Other than the gated entries and off-street parking, proposed customary and accessory uses shall be located in Reserve 'C'. Gated entries shall require approval of Traffic Engineering and the Fire Marshal and shall require detail site plan approval by TMAPC. Detail plans for accessory uses other than gated entries may be approved administratively by TMAPC staff per staff recommendation.

RELATED ITEM:

Application No.: PUD-308

DETAIL SITE PLAN

Applicant: Springbrook Investment Co.

(PD-5) (CD-5)

Location: 8242 East 19th Place

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for two gated entries to the Rainbow Park Addition from East 19th Street South. The proposed gated entries are in conformance with Development Standards of PUD-308 as amended if TMAPC approves minor amendment PUD-308-3 (on the same agenda).

The proposed gated entries have been approved by the Fire Marshal and Traffic Engineer.

Therefore, staff recommends **APPROVAL** of PUD-308 detail site plan for gated entries as proposed.

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

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Beth Roberts, 1820 South 84th East Avenue, 74112, stated that she has concerns with the parking issue. She is not opposed to the property being gated and the parking would be an issue if they are not parking within the gated community and parking on the street.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Roberts if they have no parking signs in the neighborhood on one side of the street. In response, Ms. Roberts stated that there are no signs in the subject area regarding no parking. She indicated that 19th Street is a two-lane street and there is no room for parking. In her opinion, she would consider 19th Street a thoroughfare and not a residential street due to the traffic.

Mr. Jackson asked Mr. French, Traffic Engineering, about the two issues that have been raised today, the possibility of parking on the street and the drainage coming off of the parking lot on the shopping center property. He asked Mr. French if there is any way that one side of 19th Street could have "no parking" signs installed and what is the remedy for water draining onto their property from the parking lot.

Mr. French stated that the drainage issue is the same as anywhere else, that no additional runoff that would be greater than the existing under the preconditions of the existing paving that was there before the plat. It does not eliminate flooding or anything because this is a whole neighborhood without a stormwater system, it is all borrow ditches. The key thing is to keep in mind that this PUD was approved years ago and he can confirm that this is a private street. It was not dedicated to the public and that is why they are able to place a gate. The parking issue was reviewed at the PUD and is not subject to be reviewed at this date. There was no exhibit provided and what is in front of the Planning Commission is the Fire Marshal and Traffic Engineer who have reviewed the two gate designs. Normally in a private development, visitors that are allowed in by a keypad park within the site, and the same is true for delivery trucks.

TMAPC Action; 7 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes Collins, Harmon "absent") to **APPROVE** the detail site plan for PUD-308 for gated entries as proposed per staff recommendation.

Application No.: PUD-274-3

MINOR AMENDMENT

Applicant: Sack & Associates

(PD-18) (CD-9)

Location: 5727 South Lewis

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-274 for the purpose of adding a drive-through and related canopy to an existing office building, One Summit Plaza. PUD-274 development standards allow uses as permitted by right in OM, Office Medium Intensity, districts. Therefore, the proposed drive-through bank is a permitted use.

Development standards also require a 24% minimum interior landscaped open space. The applicant proposes to reduce required open space to 19% to accommodate the new drive through canopy and paved lanes. Even with the proposed reduction, the site would still comply with zoning code requirements for minimum landscaped street yard and trees.

Staff finds the proposed amendment to be minor in nature and recommends **APPROVAL** of PUD-274-3 as proposed.

Note: PUD site and landscape plan approval required per 'Minor Revision to Site' prior to issuance of a building permit.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes Collins, Harmon "absent") to **APPROVE** the minor amendment for PUD-274-3 per staff recommendation.

Application No.: PUD-713-6

MINOR AMENDMENT

Applicant: Jim Thomason

(PD-26) (CD-8)

Location: 11719 South Kingston Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-713 to reduce the side setback from 30 feet to 20 feet from a residential street for the purpose of constructing a single-family residence. The residential structure has frontage on two streets. A minor amendment permitting encroachment of a detached garage into the rear setback, PUD-713-5, was approved by TMAPC for this same lot on July 5, 2006.

TMAPC approved a similar application (PUD-713-3) to reduce a side setback from a residential street on Lot 4, Block 1 on January 25, 2006. Staff recommended denial stating that the encroachment would reduce visibility and view of others houses that fronted the street and that approval would set a precedent. Such precedent would then create a similar problem for houses adjacent to double frontage lots within the subdivision. Staff finds that the same concerns are present in this case and, therefore, recommends **DENIAL** of PUD-713-6 as proposed.

Applicant's Comments:

Jim Thomason, 19225 South 49th West Avenue, Mounds, Oklahoma 74047, stated the he was under the impression that staff was approving the minor amendment. The adjacent property is owned by his client that is requesting this minor amendment. His client owns Lots 11, 12 and 13. The lot directly across the street from the subject property is still available and owned by the developer.

Mr. Thomason explained that his client will actually be building his personal home on two lots or build on one lot and use the other lot as his yard. The subject property will be a temporary home for his client and will sell it when his other home is developed.

TMAPC COMMENTS:

Mr. Ard informed Mr. Thomason that the owners of Lot 9, Block 2, and Lot 7 sent an email in opposition of this proposal.

INTERESTED PARTIES:

Steve Linn, 5420 East 118th Street, Tulsa, Oklahoma 74137, stated that he is currently the owner of the lot that is adjacent to the north of the subject lot. This is a new addition and there are approximately four homes that have been started and nothing has been completed at this time. These are high-end homes with half-acre lots and the lots sold for \$275,000.00 each. The homes are two to

three million dollars in value. He purchased his lot based on the plan that was approved by the Planning Commission that showed 30-foot setbacks. When one is in an expensive neighborhood one wants large setbacks and does not want houses sitting on the street.

Mr. Linn indicated that he is a homebuilder and has built in the immediate vicinity on smaller lots. In those areas there are 20-foot setbacks due to the size of the lots, but never on half-acre lots. He made the investment based on the fact that the homes would be set back 30 feet from the street. There has already been one variance approved for the subject lot for the attached one-car garage, which he did not have a problem with that. There is a detached three-car garage that he questioned if it had been approved.

Ms. Matthews stated that she believes that the three-car garage was originally approved by the Planning Commission.

Mr. Linn stated that the covenants require the same codes that the houses have regarding setbacks. The three-car garage is within the 25-foot setback. The courtyard goes beyond the setback along Kingston Street. The owner's home is eleven feet from Mr. Linn's yard, which has a utility easement. This is a situation where a homeowner wants to build a larger home and he has pushed to the north to the utility easement. He went over the line to the west with courtyards, which is legal to do. He pushed to the east by putting a three-car garage in the setback and now he wants to make the house bigger by pushing the house to the south 20 feet from the property line. He has concerns that this will set a precedent in this area and it is a new addition that would allow others to do the same thing. Mr. Linn expressed concerns with his investment and indicated that he would not have purchased his lot for \$275,000.00 with 20-foot setbacks.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes Collins, Harmon "absent") to **DENY** the minor amendment for PUD-713-6 per staff recommendation.

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OTHER BUSINESS:

Application No.: PUD-666

DETAIL SITE PLAN

Applicant: Sack & Associates

(PD-18) (CD-7)

Location: Northwest corner of East 81st Street South and South Garnett Road

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new 3,638 square foot, one-story bank. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-666.

The proposed building meets floor area, building height and setback requirements. Proposed landscaped street yards and net lot area comply with development standards and the zoning code. Parking is provided in accord with the zoning code and pedestrian access to the bank from the existing sidewalks along 81st Street South (and South Garnett Road) is provided. The bulk trash container and mechanical areas are screened per development standards and proposed parking lot lighting, mounted at 18.5 feet, is in accord with development standards and the zoning code per application of the Kennebunkport Formula.

Therefore, staff recommends **APPROVAL** of **PUD-666** detail site plan as proposed.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes Collins, Harmon "absent") to **APPROVE** the detail site plan for PUD-666 per staff recommendation.

Application No.: Z-7020

AG TO IL

Applicant: Robert Johnson/City Council's Request for a Reconsideration

(PD-16) (CD-3)

Location: West of the southwest corner East 56th Street North and North 145th East Avenue

STAFF RECOMMENDATION:

Ms. Matthews stated that this is zoning case that the Planning Commission recommended denial. The applicant appealed to the City Council and the City Council sent it back.

Ms. Matthews stated that the discussion at the Planning Commission meeting involved the fact that this is an interior lot and the panhandle is the only access, which is an access agreement and the applicant does not own the access. Staff feels very strongly that this is premature development. Staff acknowledges that this proposal is within an industrial special district, but it is internal and perhaps if industrial development had begun at the corner and worked inward this might be more favorable; however, right now it doesn't seem to be the right use at the right place. Staff is still recommending denial.

TMAPC COMMENTS:

Mr. Ard clarified that today the Planning Commission is only determining if they would reconsider this application and if the Planning Commission determines that they would reconsider then it would be brought forward sometime in the future for full review.

Ms. Matthews concurred with Mr. Ard.

After a lengthy discussion, it was determined that if the Planning Commission decided to reconsider this application there would have to be a new notice mailed out.

Ms. Bayles moved to reconsider this application and that it be readvertised and include noticing. Ms. Bayles requested that this application be set in the early portion of the agenda. Ms. Bayles requested the reconsideration be set for October 4, 2006.

Mr. Ard explained to Mr. Johnson that this reconsideration will be held on October 4, 2006 after noticing has been accomplished.

Mr. Ard explained to Mr. Johnson and Brenda Lowrance (realtor) that the Planning Commission has to vote on the reconsideration and the Planning

Commission can choose not to reconsider this application. Staff will have to republish and mail out notices and post a sign on the subject property for this reconsideration that is set for October 4, 2006, which is part of the process. The Planning Commission denied this rezoning the first time and now this would be starting all over. The Planning Commission has rules that they have to follow.

Mr. Wofford stated that if the Planning Commission doesn't comply with the notice requirements, then there could be members of the public stating that the Planning Commission failed to let them have their say. The Planning Commission didn't know if they would reconsider this application or not and if notice had been sent out prior then there could be people showing up for no reason. The City Council could have approved this rezoning and not send this back to the Planning Commission, but they chose to send it back for whatever reason.

Mr. Ard reiterated that the City Council has the ability to make this decision without the Planning Commission's recommendation, because the Planning Commission is only a recommending body.

Mr. Wofford explained that he wanted Mr. Johnson to understand that the notice is the important part of the process.

TMAPC Action; 7 members present:

On **MOTION** of **BAYLES**, TMAPC voted **7-0-0** (Ard, Bayles, Cantees, Cantrell, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bernard, Carnes Collins, Harmon "absent") to **RECONSIDER** Z-7020 on October 4, 2006 and directed staff to mail new notices and publish notice.

Commissioners' Comments:

Ms. Bayles stated that she has the Planning Commissioner training manuals that were ordered from the APA, the Job of the Planning Commissioner, the Citizen's Guide to Planning, Planning Made Easy, which complements the Training Made Easy that can be used online. Ms. Bayles stated that anyone can borrow these manuals at their leisure. She explained that some of these materials at one time were part of the INCOG library and have since been borrowed and not returned.

Ms. Bayles requested that a couple of items be placed on a worksession discussion for the future: 1) Discern what the practices of the Planning Commission are regarding continuances per the policy; 2) Discuss staff recommendations that have not been published and it doesn't give the public the opportunity to review and understand those recommendations.

Ms. Bayles stated that she has talked with Jerry Ledford, who will be giving an in-house training at Tulsa Engineering and Planning to his staff and has opened it to the Planning Commissioners. She explained that if a quorum is present, then there would have to be some remedy for that for advertisement. This will be a two hour training session; however, no date or time has been set at this time.

Ms. Bayles stated that there have been some questions about Subdivision Regulations, the lot-combinations and the oil and gas extraction sites. She requested that this also be included as part of the Planning Commission's training. There are gray areas that she believes are in the minds of the Planning Commissioners and she would appreciate some education on this.

Mr. Wofford asked what the guidelines are for comments from interested parties in terms of length of presentation. How long can people talk, either the applicant or interested parties? In response, Mr. Boulden stated that the time limits and rules are read at the beginning of each meeting. Mr. Ard reread the limits from the opening statement and determined that the time limit for interested parties is not defined in the rules.

Mr. Wofford stated that in the spirit of having all the discussion that is needed and giving everyone the opportunity to come forward, it seems that on some issues there are presentations that are redundant. He asked if there is a way to make it easier, not just for the Planning Commission, but for those in attendance, who may have time constraints, to be able to have a more efficient presentation. Mr. Wofford is not suggesting abridging anyone's right of access to this body, but limiting time in a little more efficient manner.

Mr. Boulden stated that this discussion would be appropriate for a worksession and it is a procedural matter at this point and it may impact some people's rights to speak, but it is really a matter of managing the meetings.

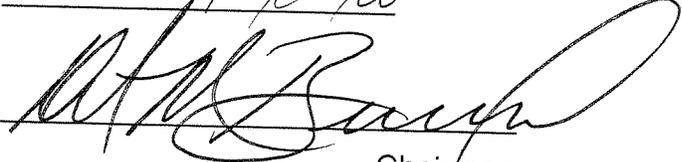
Mr. Wofford stated that his comment is not designed to impact anyone's right to access this body.

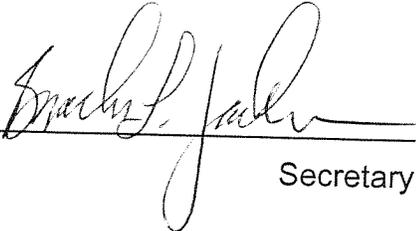
Ms. Bayles stated that this issue is one of the things that she was researching as far as training, not only for the Planning Commissioners, but for the public at large. One of the resources she received back from the City of Edmonton, Alberta, Canada is what they call "Come Plan With Us Using Your Voice" and it is one of those things that can be easily converted to Tulsa and it gives the mechanics of how to prepare for a public meeting. This information is available on the APA website. She believes that the Planning Commission can do more to assist that and the City of Tulsa and the City Council's website can do this as well. She stated that she is with Mr. Wofford; she believes that the Planning Commission is seeing an inefficient process that results in a lot of duplication of effort, time and resources.

Mr. Wofford stated that it is not just the Planning Commissioners, but it is also the people who are present who suffer, too. He commented that he has seen people leave before their case is called. He wants to make sure that the spirit of this comment is right, which is how do we make this a better process for everyone.

Ms. Bayles thanked Mr. Wofford and stated that she would send him some links on the APA website.

There being no further business, the Chair declared the meeting adjourned at 5:05 p.m.

Date Approved: 10/25/06

Chairman

ATTEST: 
Secretary

