

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2584

Wednesday, August 18, 2010, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Carnes	Alberty	Boulden, Legal
Dix		Bates	Steele, Sr. Eng.
Edwards		Cuthbertson	Schultz (COT)
Leighty		Huntsinger	Warlick (COT)
Liotta		Sansone	Simmons (COT)
McArtor			
Midget			
Shivel			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 12, 2010 at 11:46 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Cantrell called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Ms. Cantrell presented Mr. Marshall with a Certificate of Appreciation for his time served on the Planning Commission. Ms. Cantrell thanked Mr. Marshall for serving on the Planning Commission and for his hard work.

Mr. Marshall stated that it was a pleasure working on the Planning Commission and working with the INCOG staff, Legal Department and the Public Works Department. He thanked the Planning Commission for the Certificate of Appreciation. [Applause]

Worksession Report:

Ms. Cantrell reported that there will be a work session immediately following today's meeting. Ms. Cantrell further reported that the Planning Commission

held a training session prior to today's meeting and thanked Ms. DeCort and Mr. Sharrer for their presentation of the Tulsa Preservation Commission.

Director's Report:

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

Minutes:

Approval of the minutes of August 3, 2010 Meeting No. 2583

On **MOTION** of **MCARTOR**, the TMAPC voted 6-0-4 (Dix, Edwards, Liotta, McArtor, Midget, Walker "aye"; no "nays"; Cantrell, Leighty, Shivel, Wright, "abstaining"; Carnes "absent") to **APPROVE** the minutes of the meeting of August 3, 2010, Meeting No. 2583.

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **LS-20392**– September Six, LLC (1310) Lot-Split (County)
West of the Southwest corner of North Lewis Avenue and East 96th Street North
4. **LC-273**– John Duvall (9306) Lot-Combination (CD4)
Southwest corner of East 2nd Street South and South Trenton Avenue
5. **LS-20391**– Sack and Associates (9419) Lot-Split (CD5)
Northeast of the Northeast corner of East 41st Street South and South 102nd East Avenue

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the consent agenda Items 2, 4 and 5 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

3. **LS-20389**– Peter and Stephanie Jensen (9410) Lot-Split (CD6)
Northeast corner of East 15th Place South and South 151st East Avenue

STAFF RECOMMENDATION:

This applicant is requesting a continuance. Mr. Bates stated that a continuance to October should be plenty of time to work out some issues with Development Services for a right-of-way requirement.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Edwards, Liotta, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Leighty, Carnes "absent") to **CONTINUE** lot-split LS-20389 to October 5, 2010.

Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

PUBLIC HEARING

6. **BOA-21097** – (9335) Plat Waiver (CD 3)
825 North Sheridan Road

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Special Exception to permit a Community Event Center in an IL (industrial light) zoning district.

Staff provides the following information from TAC at their August 5, 2010 meeting:

ZONING:

TMAPC Staff: The property has been previously platted and the use permitted will be in an existing structure.

STREETS:

Twenty-five feet of right-of-way must be dedicated.

SEWER:

No comment.

WATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of this previously platted property for the plat waiver.

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

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	*X	

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X

- 7. Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
 - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
 - a) If yes, was plat recorded for the original P.U.D.?
- 10. Is this a Major Amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

*Yes, with right-of-way dedication as required.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the plat waiver for BOA-21097 per staff recommendation.

8. **Z-7158/PUD-737-A – Jim Litchfield/Stratford Ridge** **RS-3/PUD-737 to AG/PUD-737-A**

Southeast corner of East 11th Street and South 161st East Avenue (CD-6)
 (Abandonment of PUD-737 and rezone to AG zoning.) (Continued from 7/21/10)

STAFF RECOMMENDATION:

The applicant is requesting a continuance to September 7, 2010 to work out some details with the City of Tulsa.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **CONTINUE** Z-7158/PUD-737-A to September 7, 2010.

- 7. **CZ-404 – Lou Reynolds/Mr. Shelby Oakley** **AG to CS/IM**
Southeast corner of West 51st Street and South 65th West Avenue (Continued from 7/21/10) (County)

STAFF RECOMMENDATION:

ZONING RESOLUTION: Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-381 August 2006: All concurred in denial of a request for rezoning a 4.15+ acre tract of land from AG to IL for light industrial use, finding no reason to eliminate the buffer of industrial use from the school (Jane Addams School), on property located south of southeast corner of South 65th West Avenue and West 51st Street.

CZ-157 February 1987: A request to rezone a 73.5 acre tract from AG to IL for industrial uses was recommended for denial by staff; however the TMAPC recommended approval of the request except for a 125' buffer on the eastern and southern boundary of Jane Addams School, which shall remain zoned AG. The County Commission approved the request per the TMAPC recommendation.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 10+ acres in size and is located southeast corner of West 51st Street and South 65th West Avenue. The property appears to be vacant and is zoned AG. According to the Metropolitan Development Guidelines, the subject property qualifies as a ten-acre Medium Intensity node.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 51 st Street	Secondary arterial	100'	2
South 65 th West Avenue	Secondary arterial	100'	2

UTILITIES: The subject tract has municipal water and no sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by a large-lot single-family residential and accessory use, zoned AG; on the north by single-family residential uses, zoned RS in the County; on the south by single-family residential use, zoned AG, and farther to the south by Jane Addams School, zoned RS; and on the west by single-family residential and accessory uses, zoned RS in the County. Industrially-zoned and used properties lie farther east and south of the subject property and the entire area may be in transition.

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 Low Intensity – No Specific land use. According to the Zoning Matrix, the requested CS and IM zoning **are not** in accord with the Plan. However, as previously noted, the site meets the criteria for a Medium Intensity node and the general area may be transitional, with large tracts of IL and IM zoned properties to the east and south. Since this site is outside the City limits, it is not addressed in the PLANITULSA document.

STAFF RECOMMENDATION:

The CS zoning at the intersection could qualify for a Type 2 Node (medium intensity for 10 acres). Staff can support the requested zoning and configuration, with the caution that these zoning designations not be allowed to extend farther south toward the Jane Addams Elementary School. The existing AG zoning adjacent to the school has been preserved as a buffer for the school and it is important that this be retained. With this consideration, staff recommends **APPROVAL** of CS/IM zoning for CZ-404.

TMAPC COMMENTS:

In response to Ms. Cantrell, Mr. Alberty stated that this is a little unusual except that the area bordered by 65th West Avenue and 51st Street to the I-44 corridor is all zoned industrial except for the school and the 30 acres at the intersection. The application is for five acres of commercial zoning and then IM zoning on the remainder. IM zoning would be considered more intense than the CS zoning.

In response to Mr. Edwards, Mr. Alberty stated that staff would be concerned more with extending the commercial any farther south, and industrial would be reasonable based upon what is to the south and to the east of the tract.

In response to Ms. Wright, Mr. Alberty pointed out the industrial zoning to the east and south of the tract. There is residential on the west side of 65th West Avenue and the north side of 51st Street.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Suite 200, 74114, representing Tulsa Dynaspan and Arrow Concrete Company, stated that his client needed to expand their operation somewhere on the west side of the metropolitan area. This subject site was chosen because it is in an industrial area and its proximity to I-44 and the Gilcrease Expressway. The reason for the 200-foot CS buffer is to protect the residential property on the north, east and west of the subject tract.

In July, before the last meeting, the applicant conducted a meeting at Zarrow Regional Library and invited everyone within 300 feet of the subject property. There were seven property owners in attendance and Phil Rush, Tulsa Dynaspan, gave a presentation. One of the major issues that came up during the neighborhood meeting was traffic. Neighbors were concerned that there is no signal at the intersection of West 51st and South 65th. The second issue raised was the trucks making safe turns onto West 51st Street. After the meeting he learned that the County secured a grant and it is conditional upon them spending it before the 1st of December. It has been earmarked to signalize the subject intersection. The County will also be putting left-turn lanes for each lane of the intersection, with 300 feet of stacking in all four directions. He believes that the signalization and the left-turn lanes will help with the traffic concerns.

Mr. Reynolds stated initially his client expects 20 loads per day to leave the plant and when the economy recovers, it will have 30 loads per day leaving the plant. There could be 80 total trips in and out of the subject site. There would be less than 5% traffic increase with the subject proposal at the subject intersection. Mr. Reynolds indicated that South 65th is not a serviceable route for the subject proposal. There is a problem at Southwest Boulevard and the railroad tracks to the south. The trucks can't safely ingress and egress that because the spacing between the tracks and the intersection. If a neighbor along the subject street ordered concrete they would deliver to them, but so would a competitor. His client is aware that there is a school in the vicinity and his drivers wouldn't have any reason to go that way because of the railroad tracks.

Mr. Reynolds commented that at the meeting held with the neighbors an issue about stormwater, screening, dust, noise, water pressure and sewage came up. He submitted case maps (Exhibit A-1) and a conceptual plan (Exhibit A-2). The 200-foot commercially zoned property would be a buffer and held for future development as a commercial use. There is no real commercial use in the subject area at this time. There would be a detention pond in the southwest corner and the plant site would be built so that there wouldn't be any runoff. The water will be recycled and the gravel piles, roadways, etc. will be kept damp to keep the dust down. The stormwater will be captured and sent to the detention pond in the southwest corner. Water will be detained and incorporated into the operation. Due to the topography the subject tract will have to be cut-down over 17 feet beginning in the southeast corner. The material from the cut down will be used to build a berm on the east side of the property that will be five to ten feet in

height and berm back to the east, north and west side. On top of the berm there will be an eight-foot concrete fence and on the north there will be a six-foot screening fence, which continue to the west side at ten feet in height. The screening fence and landscaping will surround the facility. The driving area will be paved in order to keep the dust down. The EPA requires that a central vacuum system be run on the silos as a further dust reduction. There are noise limits that have to be met and both noise and dust are tested annually by the Department of Labor. The facility in Broken Arrow has always passed these tests. Mr. Reynolds stated that there will be substantial screening and landscaping, which will mitigate any further potential noise. The water in the subject area is served by the City of Tulsa and to the south of the subject property; the City has a booster station along South 65th West Avenue and recently added 12-inch lines to the booster station to help with the water pressure issues in the subject area. There is a fire hydrant upstream from the booster station that is on the same line that the subject property. It would get their water at a PSI of 115 lbs per square inch. For a house, the City of Tulsa considers a 60 to 80 PSI to be an adequate service level. The subject site will take about ten thousand gallons a day out of the water on its way to the tank. This will not have an effect on the pressure or the filling the tank. Mr. Reynolds addressed the sanitary sewer issue and stated that there is an eight-inch sewer line to the south that is available and it will be extended up to the subject site. An eight-inch sewer line has the capacity to serve a residential neighborhood of 450 homes.

Mr. Reynolds concluded that the subject site will be well buffered from surrounding properties and have a minimum traffic impact with about 80 trips per day. This plant will provide approximately 15 jobs. Mr. Reynolds requested that the Planning Commission approve this application.

TMAPC COMMENTS:

In response to Mr. Leighty, Mr. Reynolds stated that all of the trucks will operate under the legal road limits and the County Engineering doesn't have an issue with these trucks and loads on the road. Mr. Reynolds indicated that there is no shoulder or curbs and but his client will be required to install sidewalks on both sides of the facility (65th West Avenue and 51st Street). Mr. Leighty stated that one of the concerns was that it would no longer be safe to ride horses on the road if this project were allowed. Mr. Reynolds stated that it is not safe do be riding horses on the streets now. This proposal would have approximately 80 trips per day and one is not looking at 80 horse trips per day around there.

In response to Mr. Liotta, Mr. Reynolds stated that the ingress/egress was chosen in order to use the intersection for stopping and go purposes. It is safer to turn at that intersection and then go back to the east then turn in the middle of the road. The signalization will help greatly because today people are driving very quickly through this intersection. Mr. Liotta asked if the intent is to have a right turn lane going from 65th to 51st. Mr. Reynolds stated that his client is dedicating all of the right-of-way that the County will need for the intersection

improvements and has offered to build them if the County wanted them to or needed them to. Mr. Liotta concluded that this would give the plant a controlled turn rather than turning in the middle of traffic.

Mr. Shivel asked Mr. Reynolds what the intended hours of operation would be. Mr. Reynolds stated that the hours haven't been set yet, but he would suspect they would be close to 12 hour days. In response to Mr. Shivel, Mr. Reynolds reiterated that currently on West 51st Street there are 4200 trips per day on the east side, 4900 trips per day on the west side of the intersection and on South 65th, there are 1870 trips per day. The proposal would add one additional truck every ten minutes.

In response to Mr. Liotta, Mr. Reynolds stated that this would be ready-mix concrete and on concrete trucks. There wouldn't be any cast products on the subject property and there wouldn't be enough room for that type of operation.

Mr. Dix asked if there would be a rock crusher on the subject property. Mr. Reynolds stated that there wouldn't be a rock crusher and the gravel would be hauled into the subject property. There will be a concrete recycling system that uses water. Ms. Cantrell stated that to make it clear, if the subject property was rezoned to IM it would allow a rock crusher to be on the subject property. Mr. Reynolds agreed with Ms. Cantrell, but he reiterated that they have the gravel hauled in and do not use a rock crusher.

Mr. Boulden asked Mr. Reynolds if this plant would be operated the same as the APAC facility. In response, Mr. Reynolds stated that he doesn't believe so and the APAC facility is much busier plant than the proposed. Mr. Boulden asked how the truck washout would be handled and if the wet pond would be taking on any of the runoff. Mr. Reynolds stated that all of the water from the plant, by law, is not allowed to leave the site. The subject site will use all of its plant water and the stormwater will go to the wet pond. The wet pond was for beautification purposes and the plant will utilize the water as well. The truck washout is done onsite and recycled.

Phil Rush, President of Tulsa Dynaspan, Inc., 1601 East Houston Street, Broken Arrow, OK 74012-4407, stated that the reclaimer takes wet concrete that comes back and is flooded with water to wash the aggregate and separate it to reuse the rock and sand. This is all done before it ever turns hard and Tulsa Dynaspan doesn't have a rock crusher at their facilities. Anything that is hard and can't be used is hauled back to a quarry. The Broken Arrow plant has a new water treatment plant for DEQ and the water is used in the concrete plant.

INTERESTED PARTIES COMMENTS:

Jack Crissup, 1729 East 71st, 74136, stated that he is an adjacent land owner that is currently zoned RS. He can't embrace the proposal because of the negative impact it may have on his property and its value. The zoning will stay with the land and he expressed concerns with someone else coming in and the potential use that go along with IM zoning. The CS zoning buffer wouldn't be 200 feet after the applicant deeds 50 feet to the County for road improvements and that wouldn't be sufficient buffering for him. There is currently a great deal of IM zoning in the subject area that is undeveloped and he doesn't understand why the applicant doesn't purchase property that is currently zoned and in the area that is strategic to them instead of coming next to his residential area. The CS and IM zoning would be intrusive and inconsistent with good planning. He suggested that the other industrial-zoned properties are undeveloped, and until they are, there shouldn't be additional industrial considered. When his property and the properties to the north were zoned residential, he doesn't believe there was any contemplation of industrial zoning being next door. Mr. Crissup indicated that his property is currently undeveloped. There is new residential to the west and north that are developed in high-end homes. Mr. Crissup requested that the application be denied because it negatively impacts existing residences.

TMAPC COMMENTS:

Mr. Dix asked Mr. Crissup if the current IL and IM zoning in place when he purchased his property. In response, Mr. Crissup answered affirmatively.

INTERESTED PARTIES COMMENTS:

Daryl Fowler, 6501 South 29th West Place, 74132, is representing his mother who lives across West 65th West Avenue, stated that his mother is opposed to the proposal. He expressed safety for the children in the subject area walking to school.

Mr. Fowler stated that he has been in the concrete business for many years and the drivers will turn to go south. In the summertime the concrete plants start at midnight to avoid the 100 degree temperature and the operation will be more than 12-hour days. There is dirt and dust to deal with, no matter what the plant tries to do. There will be tractor trailers hauling in sand, cement and gravel and they will be accessing West 65th. Mr. Fowler expressed concerns for the amount of water that would be used each day. He believes that they need to find a better location that is not located on a hill. Mr. Fowler stated that he is against this proposal.

TMAPC COMMENTS:

Ms. Wright asked Mr. Fowler if he could give her the approximate age of the homes in the subject area. In response, Mr. Fowler stated that his mother moved in the subject area over 60 years ago and there are more modern homes in the subject area. In the last ten years there have been homes built worth ten to two hundred thousand dollars. Mr. Fowler further stated that the residents missed

the chance to keep the go-carts from going in and on weekends the neighbors can't enjoy their properties outside. Ms. Wright stated that she is getting from Mr. Fowler that the subject area has become more residential over time and not more commercial. This area would be perfect under the new vision for a small area plan and the node zoning is a thing of the past. Mr. Fowler stated that he believes that the industrial zoning came in the subject area when it used to be Unit Rig on West 49th Street.

INTERESTED PARTIES COMMENTS:

Coy White, 6502 West 65 West Avenue, 74107, stated that he purchased his property four or five years ago and didn't expect a concrete plant to move in. There is a school zone with a school guard and he is concerned for the kids. There are no sidewalks for the children to walk on. The roads are in no condition to handle these trucks and he doubts that a turn lane can be built due to the gas lines.

J.T. Keeling, 5020 South 65th West Avenue, 74107, there is a lot of traffic on 51st Street and the 80 trucks will add to it. The trucks will ruin the roads that they are just starting to repair.

TMAPC COMMENTS:

Mr. Dix asked Mr. Keeling when he purchased his property. In response, Mr. Keeling stated that he purchased it ten years ago and he doesn't recall if the IM and IL zoning was in place. He believes it was zoned AG ten years ago, but he isn't sure.

INTERESTED PARTIES COMMENTS:

Chuck Sittler, 7272 West 51st Street, and own property at 5665 South 65th West Avenue and 6250 West 51st Street, 74107, stated that the IL property is now a cemetery, which he owns. Mr. Sittler pointed out the various properties in the subject area and the cost of the homes in the area.

Mr. Sittler stated that big trucks and school children do not mix well. The subject intersection is dangerous and he makes a lot of money off that intersection with his tow truck service. There will be a lot of noise added to the subject area from the proposal and there is currently a race track for go carts. They are now bringing in NASCAR-size trucks and the noise and exhaust is irritating. Mr. Sittler submitted photographs of the existing road conditions (Exhibit A-4). Mr. Sittler commented that the proposed trucks will not be able to make the turns at the intersections; however he indicated that one of his wrecker trucks is able to make the turn because it is a short wheel-base rollback flatbed wrecker that weighs 13,000 lbs. Mr. Sittler indicated that the proposed project and where they will be accessing the street will not be able to make the turn without going into the wrong lane of traffic.

Mr. Sittler stated that there is a man running some type of concrete operation, and then there is the racetrack; flea market and a night club. The winery that was supposed to be in the subject area has wedding receptions, murder mysteries, bands playing on the patio, etc.

Pearl Curtis, 4330 South 65th West Avenue, 74107, expressed concerns with the road conditions and the traffic. Ms. Curtis stated that she is concerned about the school in the subject area and the traffic. She further stated that she built her home three years ago on commercially-zoned property. A friend purchased a portion of the property for an office and later leased it to someone to have a bar. Ms. Curtis reminded the Planning Commission that rezoning property remains with the land and not the land owner.

Darlene Mefford, 6611 West 51st Street, 74107, stated that her son lives on the property and there are traffic issues. Her son recently hit a pot-hole and now has major damage to his car. Ms. Mefford expressed concerns for the air quality and the esthetics in the area.

Ms. Cantrell recognized an interested party back to the podium (no name given).

Unnamed interested party stated that he is 99% sure that the subject area was zoned RS ten years ago.

Ms. Cantrell recognized Mr. Sittler.

Applicant's Rebuttal:

Mr. Reynolds stated that there is a bridge over the train tracks on the Gilcrease Expressway and on I-44. On 51st Street the tracks do cross the street. Mr. Reynolds stated that the traffic problems that everyone is describing will be improved with the signalization of the subject intersection and the turning lanes.

Mr. Reynolds stated that the subject property does have a hill that is 40 feet and it has to be made level so 17 feet will be leveled off. Great Plains owns the propane line. Arrangements have been made on how to protect the pipeline and they have accepted it.

Mr. Reynolds submitted photographs of the Broken Arrow Plant, which is located on a two-lane road (Exhibit A-4). Tulsa Dynaspan has ten times the traffic that the subject proposal will have. Tulsa Dynaspan has similar issues and is handled on an everyday basis. There is a school down the street from the Broken Arrow plant. Trucks stay away from them on a regular course of dealing, but may have an order in that direction. The subject site has a school nearby and the trucks will not be going that way.

TMAPC COMMENTS:

Mr. Walker asked if the school speed zone extends to the subject property. In response, Mr. Reynolds stated that it doesn't extend to the subject property. There are school signs up because of the intersection for a warning that there is a school in the location.

Mr. Liotta stated that currently the school kids are walking down the street or in the ditch. Mr. Liotta asked Mr. Reynolds where the sidewalks would be located on the subject property. In response, Mr. Reynolds stated that he doesn't exactly know where the County would require the sidewalks to be located, but his expectations are they would be along the western and northern boundaries. Mr. Liotta stated that the sidewalks would be an improvement for the kids in that area walking to school.

Mr. Liotta asked Mr. Reynolds about the propane pipeline and where the buildings would be located. Mr. Reynolds stated that the buildings would be away from the pipeline and the pipeline company has given his client a design for permission to cross their pipeline.

Mr. Liotta asked Mr. Reynolds what the purpose of the berm along the north and east sides. Mr. Reynolds stated that it is for screening of the silo, which will not be visible to people back to the east and will greatly reduce the visibility to the north. He explained that the land would be cut down 17 feet, a berm will be built and then a screening wall/fence on top of the berm.

In response to Mr. Dix, Mr. Rush stated that the pipeline is a six-inch high pressure line with propane. The pipeline is two feet underground and the pipeline company requires an additional two feet of coverage and they submitted a design for a bridge over the pipelines in two different places.

Ms. Wright requested Mr. Steele to come up to the podium.

Ms. Wright requested Mr. Steele to address the environmental issues for the subject proposal. Mr. Steele stated that this is not in his expertise and that is something that is governed by the Corporation Commission regarding the restoration of the subject property. There can be no adverse runoff caused by the restoration, and when they apply for the site, they have to do stormwater pollution prevention plan that assures that the site will not allow contaminants to be drained off of the site. Ms. Wright asked Mr. Steele if concrete is made up of silica. Mr. Steele stated that silica is ground up limestone and he isn't an expert on that either.

Mr. Leighty stated that he can't support this application because it isn't consistent with the District 9 Plan. I respect their application and thought the applicant was ably represented by counsel, but that I could not in good conscious support the application.

Ms. Cantrell stated that she will be voting in agreement with Mr. Leighty for the same reasons. While the Comprehensive Plan is not the be-all, if it is in conflict, the next thing she looks at is the surrounding area and the subject property is surrounded by AG, RS, a cemetery and a school. She can't imagine how IM would be compatible with that. The heavy industry to the east of the subject property is fine, but uses should transition down. Putting IM with its intensity is premature at this time. Ms. Cantrell stated that she might have looked at this differently had the IL not been a cemetery, and that is key.

Mr. Dix stated that he is struggling with it and if the request were for IL, he wouldn't have any trouble supporting it. There is IL along the frontage of 65th and 51st. To jump the AG and put IM on the corner is not the way it should be.

Mr. Edwards stated that his difficulty with this application is the buffer zoned AG south of the subject site. If someone came in and purchased the AG land and although staff is against the AG being rezoned, he believes it would be difficult to put up a good argument against it with IM zoning to the north. He has no doubts, from his past experience, that it would be challenged.

Ms. Wright indicated that she is opposed to this application.

Mr. McArtor indicated his opposition to this application.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **8-2-0** (Cantrell, Dix, Edwards, Leighty, McArtor, Midget, Shivel, Wright "aye"; Liotta, Walker "nays"; none "abstaining"; Carnes "absent") to recommend **DENIAL** of the CS/IM zoning for CZ-404.

OTHER BUSINESS:

9. **Review and Consider TMAPC Meeting dates for 2011**

(Review and consider dates, direct staff to reserve meeting rooms and prepare 2011 cutoff calendar dates.)

STAFF RECOMMENDATION:

**2011 SCHEDULE
Tulsa Metropolitan Area Planning Commission (TMAPC)**

Regular meetings of the TMAPC are held on the first Tuesday at 4:00 p.m. and the 3rd Wednesday at 1:30 p.m. in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

JANUARY	FEBRUARY	MARCH
4 th	1 st	1 st
19 th and worksession	16 th and worksession	16 th and worksession
APRIL	MAY	JUNE
5 th	3 rd	7 th
20 th and worksession	18 th and worksession	15 th and worksession
JULY	AUGUST	SEPTEMBER
5 th	2 nd	6 th
20 th and worksession	17 th and worksession	21 st and worksession
OCTOBER	NOVEMBER	DECEMBER

4th

1st

6th

**19th and
worksession**

**16th meeting and
worksession**

**21st meeting and
worksession**

Regular work sessions of the TMAPC are held on the third Wednesday of each month following regular TMAPC business in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

TMAPC COMMENTS:

Ms. Wright questioned certain dates due to spring break, etc. She further questioned whether it is necessary to continue meeting in the City Council Chambers. In response, Ms. Cantrell stated that it is more confusing to people to change things around. It is important to keep the meeting days and times consistent.

Mr. Boulden stated that it requires a ten-day notice to change a meeting date, time or place. Mr. Midget stated that ten days would be enough time if the Planning Commission decided to change their dates or times.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the TMAPC 2011 Schedule per staff recommendation.

Commissioners' Comments

Ms. Cantrell stated that there have been a few applicants who have requested to have their minor amendments for PUDs on the second meeting of the month. Ms. Cantrell indicated that she has no problem with that, but staff needs a consensus from the Planning Commissioners.

Ms. Wright expressed concerns that the regular meeting might become too lengthy and interrupt the work session time. She assumes that the Planning Commission would want to make the second meeting as brief as possible to get onto the work session. Ms. Cantrell explained that reason for the request.

Ms. Cantrell asked the Planning Commission how they felt about the Planning Commission writing a letter of support for the Riverview area to be prioritized to have a small area plan done quickly. In response, Mr. Midget stated that he

doesn't know what criteria are being used to say who is going to be first. There are many areas that want to be first. The Planning Commission shouldn't get into to it and if the neighborhoods want to politic their way, then that is fine. Ms. Cantrell stated that she doesn't necessarily disagree, but she thinks it might be critical for the Planning Commission to weigh-in on this subject. Ms. Cantrell suggested that there should be work session to do this.

Mr. Dix stated that he agrees with Mr. Midget regarding this issue.

There being no further business, the Chair declared the meeting adjourned at 3:27 p.m.

Date Approved: 9-7-2010

Michelle Cantrell

Chairman

ATTEST: Joshua A. Walth
Secretary