

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1733
Wednesday, February 15, 1989, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Kempe	Gardner	Linker, Legal
Coutant, Secretary	Randle	Setters	Counsel
Doherty		Stump	
Draughon		Wilmoth	
Paddock, 2nd Vice Chairman			
Parmeale, 1st Vice Chairman			
Selph			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 14, 1989 at 10:15 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Parmeale called the meeting to order at 1:32 p.m.

MINUTES:

Approval of the Minutes of February 1, 1989, Meeting #1731:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Carnes, Coutant, Doherty, Paddock, Parmeale, Selph, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Kempe, Randle, "absent") to **APPROVE** the **Minutes of February 1, 1989, Meeting #1731.**

REPORTS:

Report of Receipts & Deposits for the Month Ended January 31, 1989:

On **MOTION** of **WOODARD**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmeale, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the Report of Receipts & Deposits for the Month Ended January 31, 1989.

Committee Reports:

Mr. Parmele reported that the **Comprehensive Plan Committee** met with the **TMAPC Joint Committees** regarding the Capital Improvements Program (CIP) ranking process. The Committees recommended that the TMAPC, due to lack of time, should not be involved in the ranking process for this year's projects, and that the TMAPC reaffirm its desire to be a part of the ranking process for next year's projects. In regard to classification of new projects as to need (critical, important, desirable, deferrable), Mr. Parmele stated that the Committees' recommendation was that, if the TMAPC had a recommendation different than that of the City Development staff, the TMAPC would need to forward their recommendation within the week. Discussion followed with the TMAPC members reinforcing their desire to initiate a procedure to involve the TMAPC early in next year's ranking process.

Mr. Paddock advised the **Rules & Regulations Committee** had met this date to continue discussions on amendments to the Zoning Code relating to sexually-oriented businesses. He stated the Committee voted unanimously to recommend to the TMAPC that the 500' spacing between a sexually-oriented business and a residential district should remain as previously adopted. The Committee also voted to recommend the matter of amortization be tabled until further research as to options was completed by Staff and Legal. In regard to the amended definition for an adult bookstore, Mr. Paddock commented this definition would be made available for TMAPC review at the March 1st public hearing.

Mr. Parmele announced the **Budget & Work Program Committee** would be meeting this date after adjournment of the TMAPC meeting for a quarterly update of the work program.

Director's Report:

- a) Mr. Gardner distributed copies of House Bill 1172 regarding the County Board of Adjustment and its ability to grant special use variances. He stated the language was similar to that submitted in the bill for the City Board of Adjustment in this regard.
- b) Mr. Gardner advised that Dewey Bartlett, Jr. has agreed to brief the TMAPC on the Turnpike Authority's report for the toll road in South Tulsa, which would be scheduled in the next few weeks depending on Mr. Bartlett's schedule and availability.
- c) Mr. Stump distributed copies of the South Tulsa Library Study, an item of the TMAPC Work Program.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Howerton Acres (PUD 179-R)(1283) SE/c of E 71st & S 92nd E Ave (CS, RM-1)

This development was reviewed by the TAC in concept form on 1/12/89. The TMAPC approved the application for rezoning and PUD on 1/25/89. In order to not get the plat process ahead of the zoning, Staff has no objection to reviewing the plat at the TAC on 1/26/89 but withholding transmittal to the TMAPC until after the City Commission has approved the zoning and PUD.

Comments & Discussion:

Staff advised that the City Commission had not yet reviewed the PUD and, therefore, recommended the plat be continued. Staff reported the abutting property owners and interested parties were notified of this situation.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **CONTINUE Consideration of Howerton Acres** until Wednesday, **March 1, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Estates of Thousand Oaks (PUD 321-1)(1683) E. 89th St. & S. Urbana Avenue (RD)

This is a resubdivision of Red Oak Bluff which reduces the total lots to 26 in accordance with the amended PUD which was approved by TMAPC on 12/28/88. The TAC informally reviewed the concept plan on 12/15/88.

The Staff presented the plat with the applicant represented by Greg Weisz.

There was considerable discussion regarding the overlapping of storm drainage, utility and restricted water line easements, particularly in the northerly area of the plat. The easements will be relocated to the satisfaction of the Department of Stormwater Management, Water and Sewer Department and utilities. A 20' restricted water line easement is required along a lot line for relocation of the existing 8" water line (see #2 and #7 below).

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Estates of Thousand Oaks, subject to the following conditions:

1. The underlying plat of Red Oak Bluff should be vacated in accordance with the proper legal procedures. (Not a condition of approval of the amended plat, but a reminder for applicant to consult with his attorney for the proper procedure.)

Estates of Thousand Oaks - Cont'd

2. Some utility easements will have to be relocated and vacated and/or closed in accordance with present legal practices (see #1 above). Water and Sewer Department had advised that structures should clear the restricted water line easement (20' is required.) Utility easements shall meet the approval of the utilities. Coordinate with subsurface committee if underground plant is planned. Show additional easements as required.
3. Side lot building lines on a nonarterial street may be 15' except for garages as per Zoning Code and PUD. Suggest that 15' building lines be shown where applicable, leaving the 20' designated as "garage". Make sure the building setback lines do not go through the easement lines on face of plat.
4. The north half of 89th Street was dedicated by plat. The south half was obtained by condemnation. Show references to the condemnation case, Case #C-83-1233; Book 4825; Pages 826-829 inclusive. Show these on face of plat.
5. Scale of plat is 1" = 40'. Staff has no objection, since a lot of detailed dimensions are required, but a waiver of the standard scale of 1" = 100' is needed. Staff recommends approval at scale as submitted.
6. All conditions of PUD 321-1 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.
7. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. Include language for Water and Sewer facilities in covenants.
8. 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).
9. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat. (Some repair to existing system is required.)
10. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. Fees-in-lieu paid under "Red Oak Bluff". TV camera inspection required prior to acceptance of existing storm sewer system.
11. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (Amend PFPI)
12. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.

Estates of Thousand Oaks - Cont'd

13. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
14. 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.
15. The key or location map shall be complete. (Identify this plat.)
16. See Staff for minor corrections to Section II of covenants. (PUD dates, etc.) Also include landscape repair clause. Include "cable TV" or "communications" as required in Section I."
17. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
18. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Preliminary Plat for Estates of Thousand Oaks**, subject to the conditions as recommended by the TAC and Staff.

REVISED PRELIMINARY:

All Saints Anglican Church (2183) S/side of E. 91st, West of So. Quebec (AG)

This plat was reviewed by the TAC on 4/14/88 and granted a preliminary approval by the TMAPC on 4/20/88, subject to the conditions recommended by TAC. Since all of the land within the ownership is not needed at this time for the construction of the first phase of the church, the size of the plat has been reduced and is resubmitted. Applicant is reminded that the remainder of the property is still "subject to a plat" and the first phase building must meet the code for parking, etc. as approved by the Board of Adjustment, Case #14545. A copy of the conditions was provided with staff comments in the margin. Applicant is requesting release letters based upon this submittal so it can be transmitted to the TMAPC for final approval and release.

The Staff presented the plat with the applicant represented by Greg Weisz.

All Saints Anglican Church - Cont'd

There was some discussion regarding dedication of the remainder of frontage on 91st Street across the unplatted portion. However, if this is done, it is not a condition of approval of this phase, since the remainder is still "subject to a plat".

Since the "draft final" plat had been submitted also, if release letters are received prior to Wednesday 2/15/89, final and release will be recommended. Staff advised the TMAPC that not all of the releases had been received; therefore, only preliminary approval is recommended.

The TAC voted unanimously to recommend **approval** of the REVISED PRELIMINARY plat of All Saints Anglican Church, subject to the following 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 should be tied to or related to property lines and/or lot lines. (Show 17.5' perimeter easements, if needed, as per utilities.)
2. 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).

NOTE: In connection with #2 above, Paragraphs 1.1.4, 1.2.3, and 1.3.5. in the covenants could be combined into one separate paragraph as follows: THE OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND REPLACEMENT OF ANY LANDSCAPING AND PAVING LOCATED WITHIN THE UTILITY EASEMENTS IN THE EVENT IT IS NECESSARY TO REPAIR ANY UNDERGROUND WATER OR SEWER MAINS, ELECTRIC, NATURAL GAS, COMMUNICATIONS OR TELEPHONE SERVICE.

3. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
4. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. (Option for fees-in-lieu as per letter dated 3/25/88.) WSDP #2435 working. Awaiting detention fees.
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer (if required).
6. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by City Traffic Engineer. Include applicable language in covenants.
7. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
8. All (other) Subdivision Regulations shall be met prior to release of final plat.

All Saints Anglican Church - Cont'd

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Revised Preliminary Plat for All Saints Anglican Church**, subject to the conditions as recommended by the TAC and Staff.

FINAL PLAT APPROVAL & RELEASE:

Jen-Ash Park (3692) SW/c of East Skelly Drive & South Peoria Avenue (CH, CS)

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Final Plat of Jen-Ash Park** and release same as having met all conditions of approval.

REQUEST FOR WAIVER (Section 260):

Z-5908-SP-1 Union Gardens (684) SE/c of E. 62nd St. & S. Mingo Road (CO)

This is a request to waive plat on Lot 8 and part of Lot 7, Block 4 of the above named plat. This was reviewed by the TAC on 1/12/89 as a "site plan" and to a "sketch plat" title Home Run Derby. A number of recommendations were made by the TAC in anticipation that this would be submitted as a plat. However, subsequent information has revealed that the applicant does not own the property and only has a lease. (He cannot plat someone else's land.) Further, since the use proposed is only considered an interim, temporary use until such time as a more intense development is planned, Staff is of the opinion a "waiver of plat" would be acceptable under certain conditions. One of those conditions would be that this waiver would only apply to THIS use as a baseball or similar facility. Should this use cease, then a new site plan must be submitted and processed under the terms of the Corridor Zoning. The TAC would have an opportunity to review the tract again with the more intense permanent use. Therefore, a waiver, if granted, should be subject to the following conditions:

1. Street dedications: (by owner of property)
 - a) In addition to the 10' being dedicated on Mingo, include the 30' property line radius at the corner.
 - b) East 62nd Street right-of-way tapers on the east end of this lot on plot plan, show the proper amount of right-of-way as it is presently platted. This will probably require relocating the fencing in that area.

Z-5908-SP-1 Union Gardens - Cont'd

2. Easements: (to be granted by owner of property)
 - a) 17.5' parallel to South Mingo Road and on east property line
 - b) 11' parallel to the south property line, including the jog in the property line.
 - c) 11' parallel to north boundary next to 62nd Street.
3. Omit the north access driveway since it will be too close to the corner. Show Limits of No Access and other access points as recommended by Traffic Engineer. (Access Agreement document required if not replatted.)
4. Light standards and poles for netting shall not interfere with overhead utility lines, particularly electric. See PSO for further instructions. (The perimeter easements required will be sufficient to separate the uses.)
5. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. (Plat waiver is for proposed use only.)
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer (if required).
7. Corridor District Site Plan requirements are to be filed by separate instrument incorporating therein the conditions as approved by TMAPC.

The applicant was not represented.

The TAC voted unanimously to recommend **approval** of the waiver of plat on Z-5908-SP-1, subject to conditions as outlined by Staff and TAC, including the limitation regarding the temporary recreational uses.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Waiver Request for Z-5908-SP-1 Union Gardens**, subject to the conditions as recommended by the TAC and Staff.

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CBOA-871 Taneha (3192)

6515 West 60th Street South

(County - RS)

This is a request to waive plat on Block 61 of the above subdivision. (The area is also known as Oakhurst.) The property contains an existing church auditorium, education building, and parsonage. A new auditorium and classroom building is planned per plot plan submitted. Since the property is already platted, Staff has no objection to a waiver. However, with the addition of a new building, and additional parking, some requirements may be necessary. The following shall apply:

1. South 65th West Avenue is a secondary arterial street requiring 50' of right-of-way from centerline. Only 30' is dedicated at this time, requiring an additional 20' of dedication to meet the Major Street Plan requirements. Dedication of right-of-way will eliminate parking on the east side of the proposed building unless it is relocated. (Applicant may want to relocate the new building not only because of the street setback, but in order to be closer to the sewer in case the new building must be on sewer instead of on a septic system.)
2. The existing education building is on septic, the existing parsonage on sewer and the existing auditorium has no plumbing requiring sewage disposal. The new building must tie to the sewer, and requires Health Department approval based upon sewer connection for new building.
3. Grading and drainage plan approval required by County Engineer through the building permit process.
4. If right-of-way is dedicated on South 65th West Avenue and BOA allows setback as proposed, no utility easement is required parallel to street. If BOA requires building to meet the 85' from centerline setback, and additional 17.5' utility easement is required.

The applicant was represented by Mark Taynton.

Staff and TAC explained the need for the additional right-of-way required by Street Plan, and that dedication would mean moving the parking area from the east side of the new building to another location. TAC expressed the opinion that if the dedication of right-of-way is made, there will be no objection to the location of the new building as shown.

The TAC voted unanimously to recommend **approval** of the WAIVER OF PLAT ON CBOA-871, subject to the conditions outlined by Staff and TAC.

Comments & Discussion:

Mr. Wilmoth advised the TMAPC of the February 14th CBOA approval of the application, including the dedication, which was consistent with the TAC and Staff recommendations.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Waiver Request for CBOA-871 Taneha**, subject to the conditions as recommended by the TAC and Staff.

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BOA-15058 Metro Park (3294) SW/c of 51st Street & S. 122nd E. Ave. (IL)

This is a request to waiver plat on Lot 1, Block 1, vacated 119th East Avenue, and Lots 1, 2, 3 and 4, Block 2 of the above subdivision. The use proposed is considered of a temporary nature (Baseball fields) and is on land owned by the Hilti Corporation. Improvements consist of 12 baseball fields, a parking lot, two small concession stands and a small storage building. The property is zoned IL for industry and the baseball fields will be an interim use until a permanent industrial facility is built. Since the property is already platted, the access points and driveways planned coincide, and nothing would be gained by a replat at this time, Staff sees no objection to the request, subject to the following:

1. Any grading and/or paving plans required for the parking lots and baseball fields shall be subject to approval by Department of Stormwater Management. Fees-in-lieu of detention for amount of increase in imperviousness.
2. Utility extensions if necessary for service to the concession stands. NOTE: Private waterline through property. Private hydrant may need to be relocated.
3. Not part of this review, but applicant is advised to contact Health Department regarding their requirements for the concession stands and restroom facilities.
4. This waiver limited to the temporary use as recreation and/or baseball field. Any future use for industrial purposes utilizing the lots as platted is still subject to review by the Department of Stormwater Management and other agencies in the permit process.
5. Verify exact location of access points.

The applicant was not represented.

The TAC voted unanimously to recommend **approval** of waiver of plat, subject to the conditions outlined by Staff and TAC.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Waiver Request for BOA 15058 Metro Park**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR WAIVER:

L-17138 Salviz (693)

SE/c of East 10th & South St. Louis Ave.

(RM-2)

This is a request to split a 50' x 140' tract (two platted lots) into a revised configuration of two lots, so that the existing buildings may be sold separately. Tract I will be 50' x 84' and contain 4,200 square feet and has an existing single-family home on it. Tract II will be 56' x 50' and contain 2,800 square feet and has an existing duplex on it. A three car garage is between and will be split to provide one garage for the single-family and two garages for the duplex. All of these structures are in place and no changes are planned. Staff notes that ordinarily an approval would not be recommended on such small lots. However, many lots in this area have already been subdivided into very small lots similar to the ones requested. Most contain duplexes, single-family or multifamily dwellings that were constructed and split prior to Planning Commission jurisdiction. The original platted lots were only 25' x 140' or 3,500 square feet each. The net result of this split is still two lots. Research of recent files indicates that at least two newer splits have been approved similar to this request. (Case #16160 at the southeast corner of 8th and Trenton and #16176 at the northeast corner of 10th and Trenton). Applicant indicated that the structures are metered separately for everything except sewer and they were uncertain about how that was connected. On the two above mentioned applications a document was required that addressed the maintenance of any common utility lines. Since this application is almost identical to the previous splits mentioned above, the following should apply:

- 1) Approval of the Board of Adjustment for variances of the lot sizes and existing setbacks as per plot plan * (case #15067).
- 2) Filing of a Maintenance Agreement to apply to any utility and/or sewer lines.

* The setbacks listed in the BOA application cover not only the new setbacks created by this split, but include existing nonconforming setbacks simply listed for the record. The lot split application is essentially a minor variance as defined in the BOA policies, but the existing setbacks were also listed in order to have a complete listing of everything that might affect this property.

The applicant was not represented.

The TAC voted unanimously to recommend **approval** of L-17138, subject to the conditions outlined by Staff and TAC.

Comments & Discussion:

In response to questions from the Commission, Mr. Wilmoth reviewed the lot configuration and size in comparison to others in the area. Mr. Carnes moved for approval, and Mr. Coutant suggested an amendment to the motion to require tie language as a condition of approval. The TMAPC voted unanimously to amend the main motion as suggested by Mr. Coutant.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE L-17138 Salviz**, subject to the conditions as recommended by the TAC and Staff, and as amended to include a requirement for tie language.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17139 (3602) Rowe L-17140 (1293) Smith L-17141 (2293) Parrish

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

OTHER BUSINESS:

PUD 136-13: Minor Amendment to Permit a 13.2' Setback
North of the NE/c of South Urbana Avenue & East 76th Street
(7541 South Urbana Avenue)

Staff Recommendation:

PUD 136 is a 93.89 acre tract approved by the TMAPC on April 25, 1973 for 402 detached residential dwelling units. The applicant is requesting a minor amendment to the required 25' front building line to 13.2' to permit an existing encroachment. Notice of the application has been given to abutting property owners.

Review of the applicant's submitted survey indicates the entire front of the dwelling encroaches over the building setback line. Additional research indicates the dwelling was constructed several years ago and this request is in order to clear title. Staff finds the request to be minor in nature and consistent with the original PUD, although Staff does not condone after-the-fact amendments to PUD requirements.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 136-13 subject to the survey submitted and granting of the necessary setback variance by the Board of Adjustment.

NOTE: Upon subsequent investigation, the required setback was found to be 15'.

Comments & Discussion:

Mr. John Desbarres, representing his father who owns the subject property, agreed with the Staff recommendation.

The Commission members questioned how such an obvious error in the building setback could have been made, and they discussed how developers and builders who consistently commit these errors could be tracked. The consensus of the TMAPC was to permit the minor amendment and not punish the applicant for the error of the developer. It was also suggested that this case be brought to the attention of the Building Inspector.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-1-0** (Carnes, Coutant, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Minor Amendment to PUD 136-13 (Desbarres)**, as recommended by Staff.

NEW BUSINESS:

Request by Mr. Alan Benson (9502 South Maplewood), President of the Mill Creek Bridge Homeowners Association, to speak about homeowner concerns relating to the proposed toll road at 96th Street. Mr. Parmele advised Mr. Benson that, unfortunately, the TMAPC was not in a position to provide input to the Turnpike Authority. Mr. Benson acknowledged the TMAPC's position, and pointed out that the feasibility study conducted by the Turnpike Authority was not in conformance with the Comprehensive Plan for the City of Tulsa. Therefore, as the Comprehensive Plan was a document under the control of the TMAPC, he wanted to bring this to their attention. Mr. Benson added that the linear park areas along an urban expressway, as called for in the Comprehensive Plan, were removed in the report by the Turnpike Authority. He commented that their study was based on the 50 year frequency flood, not the 100 year frequency flood used by the Department of Stormwater Management and other city agencies.

Mr. Benson requested the TMAPC investigate the Turnpike Authority's plans for the proposed toll plaza which would be located adjacent to residential areas, thereby creating problems with lighting, noise, pollution, etc. He reiterated his request for TMAPC assistance in getting the Turnpike Authority to "follow the same rules as required for all others"; i.e. conformance to the Comprehensive Plan.

Discussion followed with the TMAPC members asking Legal Counsel to investigate the impact of the Comprehensive Plan on the Turnpike Authority.

There being no further business, the Chairman declared the meeting adjourned at 2:45 p.m.

Date Approved 3-10-89
Rabbi F. Harnack
Vice-Chairman

ATTEST:

Robin C. Cantant
Secretary