

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2406

Wednesday, March 16, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Dick	Alberty	Boulden, Legal
Bayles		Fernandez	
Carnes		Huntsinger	
Harmon		Matthews	
Hill			
Horner			
Jackson			
Ledford			
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 11, 2005 at 11:20 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, 1<sup>st</sup> Vice Chair Jackson called the meeting to order at 1:34 p.m.

### Minutes:

#### **Approval of the minutes of January 19, 2005, Meeting No. 2400**

On **MOTION** of **HORNER** the TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the minutes of the meeting of January 19, 2005, Meeting No. 2400.

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### **REPORTS:**

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

#### **Election of Officers for 2005**

Mr. Horner announced the nomination committee has selected the following people for office:

**Chair:** Stacey Bayles

**1<sup>st</sup> Vice Chair:** Mary Hill  
**2<sup>nd</sup> Vice Chair:** Gail Carnes  
**Secretary:** Wesley Harmon

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the TMAPC Officers for 2005 as follows: Chair, Stacey Bayles; 1<sup>st</sup> Vice Chair, Mary Hill; 2<sup>nd</sup> Vice Chair, Gail Carnes; Secretary, Wesley Harmon.

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**Director's Report:**

Mr. Alberty reported that there are several items on the City Council agenda.

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Mr. Jackson stated that he will be taking Item 18 out of order today.

Mr. Midget in at 1:43 p.m.

**OTHER BUSINESS:**

**Review and Consider Proposed Amendments to the Subdivision Regulations and Resolution Adopting Same**

**STAFF RECOMMENDATION:**

Mr. Alberty stated that staff understands that the Fire Marshal would like to request a continuance.

**INTERESTED PARTIES:**

**Paul Gallahar**, Fire Marshal for the City of Tulsa, 200 Civic Center, Tulsa, Oklahoma 74103, stated that he has been involved in the meetings of the Subdivision Regulations Subcommittee and he would like to request a continuance. He indicated that there is some work that needed to be done and after speaking with some of the members, they may still be somewhat unclear of what the final resolution of the last meetings were.

**TMAPC COMMENTS:**

Mr. Ledford asked Mr. Gallahar if the Planning Commission should continue this to another meeting, would he make a real effort to get to the point to enter discussions, which are the discrepancies between the interpretation of the Fire Code and how it applies to the Subdivision Regulations. In response, Mr.

Gallahar stated that he can do that. He commented that he doesn't believe that he has reached the full intent that was reflected in the July 2003 Planning Commission minutes and he would like to reach that point.

**INTERESTED PARTIES:**

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is member of the committee he has no objection to the requests that this be continued. He explained that he does have an item on today's agenda, Belmont Plat, and because of other circumstances he will requests that this plat be heard today, which indirectly involves, under the present regulations a consideration of one the issues.

**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick "absent") to **CONTINUE** the review and consideration of the proposed amendments to the Subdivision Regulations and Resolution to April 6, 2005 and send the proposed amendments back to the committee for further discussion.

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**CONTINUED PUBLIC HEARING ZONING CODE AMENDMENTS:**

**Consider amending the Zoning Code to eliminate flashing and running light or twinkle signs from Use Unit 21, Business Signs and Outdoor Advertising.**

**STAFF RECOMMENDATION:**

**Section 1800. Definitions**

- ***Animated and Flashing Signs*** – Any sign, portion of a sign or permanent structure, either inside or outside a building, visible from a public right-of-way which uses movement, appears to flash, undulate, pulse, portray explosions, fireworks, contains blinking or chasing lights, appears to move toward or away from the viewer, appears to expand or contract, appears to bounce, rotate, spin, twist, scroll, travel or otherwise portrays movement or animations. This definition does not include wind-activated movement such as in flags, banners or pennants.
- ***Changeable Copy Signs*** – Any sign containing letters or numbers that can be changed *manually* at will to display different messages. A sign on which the message changes *electronically* shall be considered to be a *Reader Board* for purposes of this chapter.
- ***Reader Boards*** – Any sign with any copy, graphics, or display that changes by electronic or mechanical means, when the copy, graphics or display remains fixed, motionless and non-flashing for a period of thirty (30) seconds or more. Any *Reader Board* that changes the display more frequently than ever 30 seconds shall be considered an *Animated Sign*.

- Remove the definition "**Sign, Revolving or Rotating:** a sign or sign part which rotates or revolves."

## **Section 1221.C. General Use Conditions for Business Signs**

2. *Changeable Copy Signs and Reader Boards* shall be subject to the following limitations.
  - e. The electronically activated message section of a *ground sign* reader board shall be located on the lower one-third of the sign.
  - f. The electronically activated message section of the *ground sign* or *wall sign* reader board shall not exceed 30 percent of the *permitted* sign area.
  - g. The electronically activated message of a reader board shall not change more frequently than every thirty (30) seconds.
16. Unless otherwise specified by this chapter, all signs may be illuminated. However, all signs shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. In no instance shall a sign be permitted to exceed an illumination of 70-foot candles measured at a two-foot distance.
17. Animated signs are prohibited within all zoning districts.

Note: Section 1221.F.14 requires that any illumination (of an outdoor advertising sign) shall be by constant light; therefore, a reader board would NOT be permitted in conjunction with an Outdoor Advertising Sign.

Mr. Alberty asked 1<sup>st</sup> Vice Chair, Jackson if he is calling this item out of order for hearing. In response, Mr. Jackson answered affirmatively.

### **STAFF RECOMMENDATION:**

Mr. Alberty stated that there is considerable input from several agencies and individuals on this and it may not be possible to come to a vote today. He suggested that the item be heard and then it may be necessary to continue this item as well. This is certainly an issue that has raised a number of concerns throughout the community, both for the amended language and those who would like to suggest different language.

Mr. Alberty stated that staff is suggesting that there be consistency within the Code. Currently, animated, flashing, twinkling, and changing copy signs are not prohibited in business signs or on-premise signs. They are prohibited in outdoor advertising signs or off-premise signs. There have been several complaints prior to November 2004 concerning the proliferation and the beginning of this type of sign causing life safety issues for the driving public. The attempt here is to define what we are talking about with regards to animated, flashing, changeable copy signs and reader boards. Staff is also attempting to provide some form of

regulation on these signs and preclude any animated signs within all zoning districts. There are several examples and several reports of these signs along I-44 and Highway 169, which demonstrate this type of signage, that staff believes is creating life safety issues. One of the things misunderstood prior to this meeting is that any sign that is legally erected today and is permitted will not be affected if there is a change in this ordinance. There were individuals concerned that if this change were made it would invalidate these types of signs and that is not the intent or proposal. The other misconception is that staff is suggesting that message boards be eliminated and that is not the case, but are attempting to control the messages as they appear, such as limiting them as far as area on a sign, copy can't change more rapidly than 30 seconds and it isn't something staff invented. The 30-second suggestion was researched nationally and this appeared to be the most common regulatory time period for changing copy.

**INTERESTED PARTIES:**

**John Favell**, 1202 South Boulder, Tulsa, Oklahoma 74119, stated that he has been in the business community for 30 years and owns the My Staff sign that is frequently referenced in some of these hearings. If there has been an accident that has been related to his sign, he would like to know about. He asked if any of the esteemed Commissioners are aware of any accidents that have been caused in part by the sign he has on I-44. He stated that he wanted the record to show that no one has indicated that he/she is aware of any accident that has occurred due to the "My Staff" sign. He asked if the Planning Commission is aware of any accidents that have occurred anywhere due to a sign comparable to his business sign in Tulsa.

**TMAPC COMMENTS:**

Mr. Midget stated that he is unaware of any specific accident, but that is not to say that it hasn't happened either way. He commented that he hasn't researched to see if there have been any accidents near the "My Staff" sign.

Mr. Favell stated that he can only assume that by the time the process gets to this point that most of the Planning Commissioners should be aware of any surveys or studies that are out there that would show any accidents occurring in Tulsa or nationwide caused by electronic reader boards. He is assuming that since no one here is aware of any accidents that are caused by electronic reader boards, he shouldn't be concerned as an owner that he has such a board that would cause an accident. He commented that he didn't know when he came to the meeting if this would be a discussion regarding safety or esthetics and he would be glad to discuss that, but that doesn't sound like it is on the table.

**TMAPC COMMENTS:**

Ms. Hill stated that there is one accident well documented that happened out by 193<sup>rd</sup> East Avenue and I-44 and the driver attributed his accident to the fact that he was reading the casino sign. She further stated that she drives by the "My Staff" sign every Sunday morning and she finds herself reading the sign. These

signs can be distracting and she is not being critical of the esthetics, but it is something to be aware of.

Mr. Favell stated that the signs are being attacked right now and he would suggest that if the intent is really to help highway safety, then a global task committee be formed to look at all of the elements involved in providing for safe streets and highways. If one is talking on the cell phone, eating and reading the signs then there will be an accident.

Mr. Harmon asked Mr. Favell if he has ever been distracted by a flashing sign on a rainy night. In response, Mr. Favell stated that a lot of things bother him on a rainy night. Mr. Harmon asked Mr. Favell why we should wait until someone is killed in an automobile accident before taking corrective action. Mr. Favell asked Mr. Harmon if he knew of anyone who has ever been killed in an accident while watching a flashing sign.

Mr. Carnes stated that the Planning Commission went through this flashing signs issue before, and Mr. Favell is one of the people, in his opinion, who has taken this beyond the legal line by making his sign flash more. The Planning Commission had language in the Zoning Code and no one is paying attention to it.

Mr. Favell stated that when he originally erected his existing sign, the City Sign Inspector came out on three different occasions. The Sign Inspector informed him that his sign complied with all Federal, State and local guidelines.

Mr. Carnes stated that he is not commenting on how the sign was erected, but he is talking about the time in which flashes.

Mr. Favell stated that the Sign Inspector stated that the settings were in compliance as well. The Sign Inspector measured foot candles and everything else and he said that it was in full compliance. Mr. Favell indicated that the Sign Inspector stated that he had never had a City Councilor call him before regarding a sign. He reiterated that if the Planning Commission had anything to prove that his sign is illegal and causing problems, he would like to see it.

Ms. Bayles stated that she doesn't know where Mr. Favell's sign is located, but he mentioned something in the global perspective. The Planning Commission's charge is not only for the short term consequence, but the long term as well. Long term, in her opinion, is to review the sign ordinance and to consider the consequences of technology, economy and proliferation of signs. It is not necessarily the health, safety and welfare issues, although it is a major consideration, but how many signs in the long term would the City of Tulsa see. She reminded Mr. Favell that she has not made up her mind, but this is her viewpoint and how she will make her consideration.

#### **INTERESTED PARTIES OPPOSING THE PROPOSED AMENDMENTS:**

**Gene Russell**, 624 South Boston, Tulsa, Oklahoma 74119; **K.R. Cunningham**, Saied Music company, 3259 South Yale, Tulsa, Oklahoma 74135; **Linda Saferite**, Tulsa City/County Library, 400 Civic Center, Tulsa, Oklahoma 74103; **Bill Miller**, District Manager for Walgreens, 3840 South 103<sup>rd</sup> East Avenue, #234, Tulsa, Oklahoma 74132; **Kevin Kirk**, Community Care College, 4242 South Sheridan, Tulsa, Oklahoma 74145; **David Ellsworth**, ORU, 7777 South Lewis, Tulsa, Oklahoma 74136; **Mark Snodgrass**, ONB Bank & Trust, 8908 South Yale, Tulsa, Oklahoma 74137; **Mir Khezri**, 1801 North Willow Avenue, Broken Arrow, Oklahoma 74012; **Jim Glover**, 1801 N. Willow Avenue, Broken Arrow, Oklahoma 74012; **Ed Horny**, 4137 East 53<sup>rd</sup> Place, Tulsa, Oklahoma 74135; **Scott Sanford**, 533 South Rockford, Tulsa, Oklahoma 74120; **Jim Thomas**, Thomas Cadillac, 3939 South Memorial, Tulsa, Oklahoma 741045; **Rick Lloyd**, Oklahoma Central Credit Union, 11335 East 41<sup>st</sup> Street, Tulsa, Oklahoma 74146; **Janine Smith**, Fox Collision, 1608 North Winston Avenue, Tulsa, Oklahoma 74115; **Mike Morris**, Sign Advisory Board, 7777 East 38<sup>th</sup>, Tulsa, Oklahoma 74012; **Karl Suggs**, Union Public Schools, Safety Specialists, 5656 South 129<sup>th</sup> East Avenue, Tulsa, Oklahoma; **John Scott**, TPAC/Civic Center, 8431 South Canton Avenue, Tulsa, Oklahoma 74137; **Roger Coffey**, 3519 South Birmingham, Tulsa, Oklahoma 74105; **Kelly Clark**, Tulsa Community College, 81<sup>st</sup> Street South and Highway 169 (10300 East 81<sup>st</sup> Street), Tulsa, Oklahoma 74133; **Phillip Ryan**, 9626 South Vandalia, Tulsa, Oklahoma 74137.

**Mr. Jackson stated that Ms. Bayles will be keeping time for all of the interested speakers with a three minute time limit.**

#### **COMMENTS OF INTERESTED PARTIES OPPOSING THE PROPOSED AMENDMENTS:**

Over the past 30 years there have been independent and governmental research evaluating the effects of electronic message centers on traffic safety; none of these efforts have shown that electronic message centers cause or contribute to traffic accidents; studies can be found on the website of the Small Business Association; one study in 2001, which reviewed an existing research of potential safety effects of electronic billboards on driver attention and distraction, which the primary focus of the review was off-premise electronic advertising billboards, that the results found that most instances the researchers were not able to verify that an electronic billboard was a major factor in causing a crash; Mr. Russell read the 1980 and 2001 studies on traffic safety; thankful that the existing signs would be grandfathered in, but will the 30-second aspect of the ordinance will be grandfathered in; if the existing signs are considered a safety hazard why would they be grandfathered in; signs are necessary for business and for the public to find the business; business sales result in tax revenue; 30-second rule would make most signs ineffective; Ms. Saferite stated that she submitted a letter about the library's concerns about the 30-second rule; Ms. Saferite further stated that she has a demonstration on how the 30 second change would negatively impact the library signs and submitted a DVD (Exhibit B-1) for four seconds (quick copy

change) and 120-seconds (long copy change) (There was no 30-second change depicted in the demonstration); Ms. Saferite commented that the 120-second change depicts how it may cause accidents because it is so slow (however Ms. Saferite referred to the 120-second change as being the 30-second change); Ms. Saferite expressed her pleasure that the five existing library signs would be grandfathered in; however she has 20 other facilities that she would like to add the same type of signs to in the future; she recommended that the Planning Commission retain the two-second interval (Ms. Saferite's demonstration did not depict a two-second interval); consider exempting small signs such as the library's; they inoffensive and she has made an effort to make the signs tasteful; the library wants to be a good citizen; a lot of interpretation left in the proposal and there is too much gray area; there should be more meetings to iron out the gray areas; need a more detailed panel and study done with retailers involved; Walgreens has done studies as well and everyone can pull out statistics from five-seconds, and nothing more than five-seconds timeframe on a reader board makes it any more safe up to 30-seconds; Walgreens would be willing to supply manpower to the committees in order to get the best solution; technology changes quickly and the laws need to keep up with the technology; if the changeable copy is required to be on the lower 1/3 portion of the sign, it would be out of a driver's eye level and takes their focus off of the car in front of them or the traffic signals; as the sign is made smaller it becomes harder for the passenger to read the signs; electronic reader boards are safer for the employees; the Zoning Code should be left as it is and he would contend that any future acts of discrimination against business trying to install a marquee would be inappropriate; ORU puts the Amber Alert, Ozone Alert and various community information on their sign; the ORU signs averages three to four seconds for changing; many of the concerts and events specifically stipulate in their contracts what the marquee has to have on it; the 30-second rule would create a problem because the ORU sign is not located at a high-speed intersection; distractions are caused by many things, not just flashing signs; it is the driver's responsibility to stay vigilant while driving; scrolling sign is no different from a flashing sign and what Ms. Bayles was asking really didn't have any relevance; people are being deliberately mislead that their signs are being grandfathered in because they would not be grandfathered in for the 30-second static rules; the credit union hired studies before purchasing signs for advertising; Ms. Smith, Fox Collision, stated that she has programmed her sign for one second intervals with 13 messages but she believes her sign is safe because she drove up and down Peoria where her sign is located to make sure it was effective and safe; Ms. Smith commented that she has been distracted by signs and came close to being involved in an accident; Ms. Smith agrees that there should be some regulation but she doesn't believe 30 seconds is the answer; received complaints for scrolling signs and decided to use one word flashing at a faster pace; received complaints if the font were smaller; electronic message boards help the small business owners.



### **TMAPC COMMENTS:**

Ms. Bayles asked Mr. Snodgrass if he would have any objections to the scrolling marquee rather than the flashing message based on the interval. Mr. Snodgrass stated that he does like having the interval, but the scroll would get the message across as well.

Mr. Harmon asked Mr. Khezri if he is suggesting that there shouldn't be any regulation of anything. In response, Mr. Khezri stated that the Highway Department uses the same technology to direct traffic.

Mr. Harmon stated that highways are regulated and all the Planning Commission is trying to regulate the proliferation of these signs, not trying to outlaw them.

Mr. Jackson asked Mr. Sanford to speak to the Planning Commission and not the audience due to the recording and video;

Mr. Midget stated that Mr. Sanford is correct that none of the signs have been grandfathered in at this time because there has been no action on this item. This is a proposal and nothing has been voted on and no signs are actually grandfathered in. All of the issues are still a proposal at this point and put on the table for discussion and consideration.

Mr. Sanford stated that the comment made by staff that the signs would be grandfathered in if this was approved is misleading and not true.

### **INTERESTED PARTIES:**

**Patric Johnstone**, 2511 East 25<sup>th</sup> Street, Tulsa, Oklahoma 74114, thanked the Sign Advisory Board for inviting him to listen in and have a cooperative dialogue with their group. He learned a lot about their needs and some of the methodology used by the outdoor advertising industry and they in turn listened to some of the concerns of some of the people in the neighborhoods.

Mr. Johnstone stated after listening to some of the dialogue there was a suggestion to look at some alternate language to moderate the intensity of some signs. As an option to the 30-second rule is to allow a marquee-type scroll where there is a continuous message and not be held by the 30-second rule. He would not be opposed to having language going back to committee for some tweaking. Mr. Johnstone continued to cite the various ideas that were discussed during the Sign Board Advisory meeting.

Mr. Johnstone stated that he doubts that there will be any legal advice that states a stroboscopic message is protected by the First Amendment. Such message could be alternately displayed in a marquee or a single frame of text.

Mr. Johnstone stated that many in the sign industry have cited the Small Business Administrations rather broad interpretation of a 1980 Federal Highway

Administration Report. A later report dated September 2001 reverses the 1980 report. He referenced the following website to look at the 2001 report: [www.fhwa.dot.gov/realestate/elecbbbrd](http://www.fhwa.dot.gov/realestate/elecbbbrd).

Ms. Bayles thanked Mr. Johnstone for his participation and his research.

**Mr. Horner out at 3:10 p.m.**

**TMAPC COMMENTS:**

Ms. Bayles asked Mr. Lloyd if he had the results of his focus group and have they been forwarded to staff. In response, Mr. Lloyd stated that the results were not forwarded to staff, but he does have the results.

Ms. Bayles asked Mr. Lloyd if he would forward his results of his focus group to the staff. In response, Mr. Lloyd answered affirmatively.

**INTERESTED PARTIES:**

**James Adair**, 7508 East 77<sup>th</sup>, Tulsa, Oklahoma 74133, read the Zoning Code regarding flashing signs. He indicated that there used to be a 30 second rule in the past, but in 1985 when the Sign Code was changed it was taken out and put the restrictions he just read in place of the timing rule.

Mr. Adair stated that scrolling signs that are static only allow one or two words on it. For a one-line message center it has to scroll the letters across quickly in order to get enough characters in a short period of time so that the message is fully delivered. Mr. Adair explained that the technology to control a message center or a time and temp at an interval of 30 seconds is new technology. Signs that are two years or older do not have this technology. The older signs cannot program the illumination either. He determined that 85% of all of the message centers in Tulsa would not be able to program for 30-second intervals because they do not have the newer technology. If the 30-second rule is required then larger companies will put up larger message centers with more lines of copy so that it can stay on for longer intervals, which would result in taller signs and more square footage.

Mr. Adair read the City of Tulsa Police Department's reports on traffic accidents in the areas close to various flashing signs. Mr. Adair read a report from the DOT regarding traffic accidents being caused by external sources.

Mr. Adair clarified that the members of the Sign Advisory Board consists of two representatives from the sign industry, two architects, two homeowners and a business person.

Mr. Adair asked if the requirement for the message being on the bottom-third of the sign be at the cabinet or a bottom-third of the sign structure. In response, Mr. Alberty stated that it would be the bottom-third of the permissible display surface

area. Mr. Alberty further stated that this is his interpretation and it may be something that needs to be clarified, which is the reason for holding a public hearing in order to have industry representatives to comment on these issues.

**TMAPC COMMENTS:**

Mr. Jackson asked staff to explain the 30-second interval and why it was chosen. In response, Mr. Alberty stated that he wasn't part of the research staff and he can't answer that question. The information that staff used was primarily through the American Planning Association and some industry documentation. The purpose of staff's proposal was to get something out to open dialogue and receive feedback. In any public hearing where there is so much opposition to a proposal, he believes it should probably be sent back to staff for further study. He would suggest that this be sent back for further study and not try to advance the document in the form it is in today.

Mr. Carnes stated that he has heard today that the 30-second interval is probably too slow. He further stated that he hasn't heard anything to promote animation or the flashing signs. This should be taken back to work on a time schedule as to what is acceptable to the public.

Mr. Midget agreed with the Mr. Carnes suggestion of sending the proposal back to staff for further study. He commented that he would like staff to get with the Sign Advisory Board, residents, industry, etc. and see if a new proposal is possible. He indicated that he had a concern that Tulsa could look like Las Vegas style of signage if there are no regulations.

Mr. Ledford stated this speaks well for our system, and our system isn't broken because today's meeting shows that it works.

Mr. Boulden asked if the current proposal dead and would any future proposal come back for public hearing if it is deemed appropriate, or is this current proposal continuing with some changes.

Mr. Alberty stated that if this is being continued with changes, it would have to be continued to a date and time certain. The other option would be to close the public hearing and go back to staff to prepare something and renote for a public hearing.

**TMAPC Action; 8 members present:**

On **MOTION** of **BAYLES**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to close the public hearing and send the proposed amendments for the Zoning Code back to staff for further study.

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Mr. Jackson called for a recess at 3:20 p.m.

Mr. Jackson called the TMAPC Meeting back to order at 3:25 p.m.

## **SUBDIVISIONS:**

### **MINOR SUBDIVISION PLATS:**

**Church on the Move – (0433)**

(PD 16) (CD 6)

1003 North 129<sup>th</sup> East Avenue

### **STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 240 acres.

The following issues were discussed March 3, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL.
2. **Streets:** Show missing lot dimensions along the south, east and west sides of lot 2.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities:** Okay.
7. **Other: Fire:** Add standard language to include specific paragraph for each easement type.

Staff recommends **APPROVAL** of the minor subdivision plat subject to 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; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Carnes, Bayles, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of the minor subdivision plat for Church on the Move, subject to special conditions and standard conditions per staff recommendation.

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**Pheasant Run Office Park**

(PD 18) (CD 2)

Southeast of East 73<sup>rd</sup> Street and South Wheeling  
(Continuance requested until 4/6/05)

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated a continuance has been requested to April 6, 2005.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **CONTINUE** the minor subdivision plat for Pheasant Run Office Park to April 6, 2005.

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**PRELIMINARY PLAT:**

**Indigo Run** – (1301)

(County)

122<sup>nd</sup> Street North, West of Lewis (Continued from 1/19/05  
TMAPC meeting)

**STAFF RECOMMENDATION:**

This plat consists of nine lots, one block, on 25.18 acres.

The following issues were discussed November 18, 2004 and January 6, 2005,  
at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural). Any problems with saltwater from oil wells should be identified and rectified (neighbors have expressed concern about this). The section of the subdivision regulations concerning oil wells must be followed exactly. Septic systems must be located on the appropriate lot for each dwelling. Oil well setbacks must be clearly defined.
2. **Streets:** Change 60 foot to 40 foot (maximum) Limits of Access. Correct minor errors in the legal and match and show all appropriate bearings on the plat. Include limits of no access language in the covenants. Suggest creating a curve in the Yorktown approach so as to intersect 122nd Street north at nearly 90 degrees for safety purposes. Remove the word "general" from section I.A "general utility easements". The County Engineer will work out street issues with the developer.
3. **Sewer:** Out of service area for Tulsa. Septic systems are proposed.
4. **Water:** Well water is proposed. DEQ will have to approve of the well water usage.
5. **Storm Drainage:** No comment.
6. **Utilities: PSO:** Show existing easement per ALTA survey (especially along 122<sup>nd</sup> Street). The blanket easement will not be released unless there is a specific easement identified.
7. **Other: Fire:** Addresses must be identified and lots and blocks numbered correctly. The legal description needs to be corrected. Show date of preparation. Include PSO symbol in legend.

Staff will have a recommendation at the meeting. The proposed use of well water is of concern to staff, but if DEQ approves the wells, it is our understanding that this system can be used. To date, the questions about the oil wells, the injection pipe lines and the PSO easement have not been answered completely. Staff recommends that this be **CONTINUED** to the April 6<sup>th</sup> meeting.

#### **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.

**Applicant's Comments:**

**Robert Dunkel**, 1600 East 26<sup>th</sup> Street North, Skiatook, Oklahoma 74070, stated the he has complied with the regulations concerning locations of potential oil wells. A certified letter was mailed to the lease holder and the mineral rights owner on January 11, 2005 and delivered on January 12 and 13, 2005. To date he has not received anything back from the owners. He assumes that, under the regulations, the owners do not wish to locate any new potential wells.

Mr. Dunkel stated that there is not a saltwater injection site in the proposed subdivision. The only saltwater injection well in the subject area is located to the south on property that he sold previously and is not a part of this application. He commented that he doesn't understand why the saltwater well is a factor.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Dunkel when he last discussed these issues with staff. In response, Mr. Dunkel stated that his engineer indicated that he left a message with staff yesterday and it was not returned.

Mr. Jackson asked Mrs. Fernandez to enlighten the Planning Commission on this issue.

Mrs. Fernandez stated that she met with Mr. Mauzy, who is the consulting engineer for this project, several weeks ago. Mr. Mauzy was supposed to submit information regarding this plat. She indicated that she did receive a voicemail before the meeting as mentioned in the report. Mrs. Fernandez concluded that she would feel uncomfortable recommending any type of approval on this particular plat until the information is submitted.

Mr. Midget stated that he would recommend a continuance because if the engineer did show up for the meeting, staff would not be in a position to make a recommendation to the Planning Commission without reviewing the new information.

Mr. Ledford stated that it is the applicant's responsibility to submit this information to the staff in order to make a recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **CONTINUE** the preliminary plat for Indigo Run to April 6, 2005.

\* \* \* \* \*

**The Crossing at 86<sup>th</sup> Street – (1326)**

(County)

Southeast corner of East 86<sup>th</sup> Street North and North Sheridan Road (Continued from 3/2/05 TMAPC meeting)

**STAFF RECOMMENDATION:**

This plat consists of 56 lots, seven blocks, on 48.87 acres.

The following issues were discussed February 17, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE.
2. **Streets:** Document right-of-way dedication. East 86<sup>th</sup> Street needs 60 feet of right-of-way as primary arterial per Major Street and Highway Plan. Recommend establishing Limits of No Access on both arterials. Include standard LNA language in covenants. Consider sidewalks on streets. *The consulting engineer has agreed to put in sidewalks per the County Engineer recommendation.* Confirm street names and design. Suggest relocation of 63<sup>rd</sup> West Avenue connection to eliminate a four-legged intersection.
3. **Sewer:** Septic systems are proposed.
4. **Water:** Rural Water District # 3 will serve water.
5. **Storm Drainage:** Overland drainage easements are required to convey offsite drainage. The two reserve areas need to be separately named. Please label the detention reserves as "Stormwater Detention". Article I 1 6 does not address stormwater detention yet the plat shows detention. Standard language for stormwater detention facility maintenance, overland drainage easements and storm sewers needs to be added.
6. **Utilities: Cox:** Additional easements are needed.
7. **Other: Fire:** Identify fire service and their approval. Complete location map. Show basis of bearing. Show monumentation. Show lot sizes and addresses. Start legal description at northwest corner.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the County Engineer must be taken care of to his 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.**

**INTERESTED PARTIES:**

**Guy Pickard**, 7301 Mission Road, Suite 323, Prairie Village, Kansas 66208, stated that he is the largest property owner in the subject area. He commented that he is not present to object to this plat, but he does have some constructive suggestions.

Mr. Pickard expressed concerns with the septic system and open stormwater. He read a story in the Tulsa World regarding septic systems. He suggested that main and lateral lines leading to a trunk system should be put in place and when water and sewer comes to the subject area then they are able to connect. He commented that sewer systems work at first, but they get older and start deteriorating, which then becomes a problem.

**TMAPC COMMENTS:**

Mr. Ledford stated that he appreciates Mr. Pickard's time, but he hopes Mr. Pickard understands is that one of the things the Planning Commission is held to are our own guidelines and regulations. As a body, the Planning Commission doesn't govern those. These regulations are set in place by Subdivision Regulations, State and County requirements. The Planning Commission is looking at a preliminary plat today to make sure that it meets the minimum standards of the Subdivision Regulations. It is upon the applicant to make sure he meets the minimum guidelines to take care of the Tulsa County or the State DEQ requirements for sanitary sewer.

Mr. Pickard stated that he appreciates Mr. Ledford's response. He agrees with Mr. Ledford's comments, but the Planning Commission's influence on various bodies of the government save the tax payers money in the long term.

Mr. Ledford stated that he would like Mr. Pickard to understand that he has that requirement in the City of Tulsa, but it isn't required in the County at this time.

**Applicant's Rebuttal:**

**Kevin Coutant**, 320 South Boston, Suite 500, Tulsa, Oklahoma 74103, stated that he is not asking for any waivers of the Subdivision Regulations and he is in agreement with the staff recommendation and will meet all regulations.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Carnes, Bayles, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of the preliminary plat for The Crossing at 86<sup>th</sup> Street, subject to special conditions and standard conditions per staff recommendation.

\* \* \* \* \*

**Application No.: PUD-575-2**

**MINOR AMENDMENT**

**Applicant:** Sack & Associates

(PD-18) (CD-7)

**Location:** South of southeast corner of East 71<sup>st</sup> Street and South Mingo Road

**STAFF RECOMMENDATION:**

This application is for a minor amendment to change the minimum building setback on the east boundary from 35' to 15' for a multifamily residential development. The existing PUD-575 specifies that this reduction is to be allowed if the adjacent property to the east develops as a multifamily residential use. In fact, that eastern property is the Tallgrass development, in medical uses that are more intense than multifamily residential. Staff has no concerns with this proposal, since the original PUD apparently anticipated that development at multifamily residential or higher density/intensity would occur on that eastern property.

Staff therefore recommends **APPROVAL** PUD-575-2 allowing a reduction in setback from 35' to 15', as depicted on the conceptual site plan. All other development standards as approved in the original PUD-575 remain unchanged except as herein modified. No building permit shall issue until a Detail Site Plan is approved by the TMAPC following the filing and approval of a Subdivision Plat reflecting all approved development standards and requirements of the TAC.

**NOTE:** Minor amendment approval does not constitute Detail Site, Landscape or Sign Plan approval.

**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 **MIDGET**, TMAPC voted 8-0-0 (Ard, Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to **APPROVE** the minor amendment for PUD-575-2 per staff recommendation.

**RELATED ITEM:**

**Estancia** – (9918)

(PD 18) (CD 7)

South of the southeast corner of East 71<sup>st</sup> Street and Mingo Road

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 14.3 acres.

The following issues were discussed March 3, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 575 (Z-6611 sp 1). The PUD requires a corridor collector street. This must be put in to the south of Estancia as that property is platted.
2. **Streets:** Show full 50-foot of right-of-way as dedicated by this plat. Need standard language for Limits of No Access restrictions. Sidewalk required on Mingo Road per City of Tulsa policy of requiring sidewalks on arterial streets. Show 78<sup>th</sup> Street to the west and align the south access with or separate from the residential intersection. Show a lot dimension for the west lot line.
3. **Sewer:** Add language to the plat dedicating the sanitary sewer easements to the public and restricting use. (the same for the restricted water and storm sewer easements) An SSID will be required for the Sanitary Sewer Main Extension. A fee of \$700.00 per acre will be assessed for Broken Arrow system development fees. Also a \$1,128.03 per acre excess capacity fee will be assessed for tying in to the existing 16 inch main.
4. **Water:** A 12-inch ductile iron pipe extension may be required along Mingo Road to front the property on the west side. All lots must be within 350-foot radius of a fire hydrant. Add mainline valves for fire hydrant isolation during line brakes.
5. **Storm Drainage:** West Branch Haikey Creek, FEMA, and City of Tulsa Regulatory Floodplain, must be shown, by plotting the 100 year Water Surface Elevation (WSE), and labeling on the face of plat. The Floodplains, plus an additional 20 feet for access on both sides of the floodplain, if it is 150 feet or less in width, must be placed in Overland Drainage Easements (ODE), which must be shown and labeled on the face of plat. If the intent is

to place the creek drainage in an enclosed drainage structure conveyance system, then the size of the drainage structures required will require a Storm Sewer Easement which may require more than 15 feet; and floodplain map revisions will be required. If the floodplains will be changed, then both the existing and the proposed floodplains must be shown on the face of the Preliminary Plat. Add standard language for Overland Drainage Easements. Existing floodplains must be shown, or their absence must be explained. Portions of the north entrance may be in a FEMA Floodway. At least six buildings may be inside the ODE's required for the existing floodplains. This is undesirable. Headwalls are not acceptable. Please use slopewalls at those locations.

**6. Utilities:** Okay.

**7. Other: Fire:** Show point of beginning. Needs bearing and distance on the lot line along Mingo Road and easements inside addition. Needs north arrow with location map. Legal description needs to match plat. Need addresses. Add standard language to include specific paragraph for each easement type.

Staff recommends **APPROVAL** of the preliminary plat subject to 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; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Carnes, Bayles, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of the preliminary plat for Estancia, subject to special conditions and standard conditions per staff recommendation.

\*\*\*\*\*

East 109<sup>th</sup> Street and South Louisville

**STAFF RECOMMENDATION:**

This plat consists of 23 lots, one block, on 18.5 acres.

The following issues were discussed March 3, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-1/PUD 706 A.
2. **Streets:** Document existing right-of-way on Louisville, or show dedication by this plat. Legal description locating the one acre excepted parcel should correspond to dimensions on the face of plat; the only dimensioned tie on face of plat is the 96.16 east/west distance at the northeast corner. Cul-de-sac diameters or length do not meet minimum fire code requirements. Correct the labeling for west line and northeast corner and perimeter ownership dimensions if needed. Include language to grant access rights for the owner of the out parcel to use the public street.
3. **Sewer:** Add language to the covenants directing the owners of lots to disconnect from the septic systems and connect to the sanitary sewer line when the main has been extended to this area. Be sure to maintain adequate separation between the water and sewer lines. Please add a stub with a plug under the existing wall at the southernmost manholes between Lots 14 and 17 and Lots 18 and 20, Block 1. Place sleeve for sewer under the wall.
4. **Water:** Show restricted waterline easement along the eastside of South New Haven Avenue and on the west side of South Oswego Avenue. Look at the fire hydrant coverage for all cul-de-sac lots. Each fire hydrant should have a valve and valve box for isolation purposes. Install a gate valve between the two connections out on South Louisville Avenue.
5. **Storm Drainage:** Please show and label the offsite easement and drainage system on the north property, which receives the drainage from the stormwater detention facility outlet structure. Include "stormwater detention maintenance" in the title for Section I.G.
6. **Utilities: ONG, PSO, and Cox Cable:** All need additional easements.
7. **Other: Fire:** A 96-foot cul-de-sac is needed. Show records providing access for out-parcel. Show abutting lots.

Staff recommends **APPROVAL** of the preliminary plat subject to 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.

**Applicant's Comments:**

**Charles Norman**, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, cited the history of the subject property, which used to be owned by Mr. Bartmann. He cited the prior approval for the lots by the Planning Commission and the City Council in September. Mr. Norman submitted site plans (Exhibit A-1).

Mr. Norman stated that he has increased the lots from 15 lots in the first proposal to 23 lots. Each cul-de-sac will serve a maximum of four lots and this arrangement allows for lots that are more than double the size of the minimum sized lot required. These lots will have to be served by septic systems and there will be a dry sanitary sewer system installed in accord with the Subdivision Regulations so that when sanitary sewer reaches this site, it can be connected to the system. All lots will be sufficient size for sanitary sewer systems. The stormwater detention area will be enlarged and make it into a community park with a wet feature. There is a reserve area for a tennis court and putting green. This layout is much better than the original layout with long lots.

Mr. Norman stated that the only issue he has any concern about or with, at this time, is the diameter of the cul-de-sacs that are being requested by the Fire Department. The recommendation of the TAC Committee from March 3, 2005 for one single cul-de-sac and he agreed to that with the maximum diameter of the paving section of 96 feet. The Fire Marshal has now advised the staff that they are requesting 96 feet diameter paving areas on each of these additional six cul-de-sacs. There are 162 feet to the center of the cul-de-sac from 109<sup>th</sup> Street and each residence will be within the 400 feet of a fire hydrant. He understands that the requirement from the Fire Marshal is in order to accommodate the newer fire trucks that they are purchasing, which require 96 feet in diameter to turn around. This is an issue before the Subdivision Regulations and will be brought back to the Planning Commission. He suggested that this particular plat should be reviewed under the current Subdivision Regulations that are in force. Mr. Norman read the current language from the Subdivision Regulations with regard to cul-de-sacs. The Fire Marshal is stating that the distances need to be measured from the far end of the cul-de-sac and not from the radius. The debate with the Fire Marshal is the adoption by the City of Tulsa last April of the 2003 International Fire Code and certain appendices to it. Mr. Norman submitted Appendix D of the International Fire Code (Exhibit A-1). This possible conflict is being relied upon the Fire Marshal stating that the ordinance was passed by the City Council last April, without any public input, and now it is binding upon everyone. Mr. Norman commented that he differs with this for a number of reasons and primarily because the Planning Commission has jurisdiction over the Subdivision Regulations. Mr. Norman read Appendix D of the International Fire Code (Exhibit A-1), which states "...provisions contained in this appendix are



not mandatory unless specifically referenced in the adopting ordinance". Mr. Norman stated that he obtained a copy of the City Ordinance 2824, which is an ordinance that adopted the 2003 Code. That ordinance adopted Appendix D and then amended them in two respects, which was to strike-out references to a 70-foot diameter cul-de-sac and a 60-foot hammerhead. This Code adopted Appendix D in its form as submitted (Exhibit A-1), which states that it is not mandatory and he finds no reference in the City of Tulsa Ordinance that makes it mandatory. Mr. Norman commented that consequently for the second reason he doesn't believe there is any conflict between what is occurring through the Subdivision Regulations and what the Fire Marshal has asserted. Appendix D indicates that up to 150 feet with a street width of 20 feet no turnaround is required at all. The proposal is at 162 feet with a paving section of 26 feet wide and if Appendix D was taken as an advisory document, zero feet to 150 feet do not require a turnaround. A 151 feet to 500 feet with a 20-foot wide street, it requires a 96-foot diameter cul-de-sac.

Mr. Norman stated that the proposal before the Planning Commission is cul-de-sacs that are measured to the center of the radius. According to the current standards, 162 feet and they only serve four lots. Under the Subdivision Regulations, as it exists today, these cul-de-sacs are less than 500 feet in length and have 26 feet wide paving sections and would not require anything greater than the 76 feet or 100 feet right-of-way diameter. He believes that he is in accord with the Subdivision Regulations and the Planning Commission has previously approved a waiver of the Subdivision Regulations for this extraordinarily long cul-de-sac, which is referred to in the staff recommendation last August, granted by the Planning Commission in September and remains a part of the proposal. He commented that due to the new discussion, he has proposed the cul-de-sac at the very end of the development to be 96 feet in diameter in case there would be a need for equipment all the way into the development. If there is a 76-foot paving section, then the cul-de-sac would occupy 4536 square feet and if it the paving section is increased to 96 feet, then it would be 7238 square feet. This would increase impervious area of 2702 feet and the whole issue is that it would increase the paving area by 60%. Mr. Norman reminded the Planning Commission that when this project came before TAC last September, the Fire Marshal had no comments.

Mr. Norman apologized for taking so much time, but he wanted to clear up a few misunderstandings. It was only when he read the terms of the ordinance that was adopted last April 2004 that he could see that Appendix D (Exhibit A-1) was never adopted as a mandatory standard by its own terms.

#### **TMAPC COMMENTS:**

Mr. Ledford asked Mr. Norman to explain his interpretation of the third item in Table D-103.4 with a 26-foot paved street. In response, Mr. Norman stated that this would require anything over 501 feet to 750 feet to have a 96-foot diameter cul-de-sac. The proposed cul-de-sac is more than 750 feet and this would

require special approval required, but under the existing Subdivision Regulations it requires a modification. He proposes to include the 95-foot paving section and try to live within the spirit of Table D, which is advisory as he sees it.

Mr. Ledford stated that if there is a cul-de-sac of 151 to 500 feet in length and a paving width of 20 feet it requires the 96-foot cul-de-sac, but it doesn't mention that it is needed if you have a 26-foot width of paving. In response, Mr. Norman stated that this is something for the Subdivision Regulations Committee and the industry to discuss in the future. He commented that he doesn't believe this is mandatory in the form of which it was adopted. He further commented that he doesn't want the Fire Department to be in conflict with the Planning Commission, and the development community would like to clearly understand what is required so that they can come to the Planning Commission with proposals that meet all of the requirements.

Mr. Midget asked Mr. Norman to indicate where the fire hydrants would be located. In response, Mr. Norman visually indicated where the hydrants would be located. He stated that the fire hydrants have been located so that they will be in compliance with access within 400 feet. Mr. Norman demonstrated how the lots would be served by fire hydrants.

Mr. Norman stated that he is trying to live within the guidelines of all of the requirements that the Fire Department has. The debate is whether we as a community, require these larger paved areas in residential areas where the largest equipment that is being purchased by the Fire Department rarely ever goes to fight a fire. If a ladder truck with rear steering on it needed to make a turnaround, then 96 feet might be needed. In the typical response to a residential fire, this would rarely occur. Mr. Norman concluded and stated that there will be more stated today about the overall implications for the future. He further stated that under the current Subdivision Regulations, until they are officially amended, this application complies with the letter and spirit of what is already done by approving this long cul-de-sac with a larger diameter paving section in the absence of any potential for a second point of access to the subject property.

Mr. Boulden stated that he would have to disagree with Mr. Norman. He believes that the City of Tulsa adopted Appendix D and intended for it to be mandatory. Mr. Norman requested to see the language of the ordinance that adopted Appendix D and the intention that it be mandatory.

Mr. Boulden stated that it did specifically reference in the adopting ordinance, to Appendix D except for certain portions of it, and that is all that was necessary.

Mr. Norman stated that the copy of the ordinance and language he has was given to him by the Fire Marshal. If this is in conflict then it should be resolved. He commented that he doesn't see how the City of Tulsa can say it is mandatory

unless it makes a specific reference in the adopting ordinance. Mr. Norman read the ordinance language.

Mr. Boulden stated that he believes that the ordinance was adopted with the intent to adopt Appendix D. He questioned how the length of the dead-end is measured.

Mr. Norman stated that the Fire Department goes to the bottom of the bulb, but that is not the language of the Subdivision Regulations.

Mr. Boulden asked Mr. Norman why he chose to measure to the radius of bulb. In response, Mr. Norman stated that the current Subdivision Regulations show to measure from the entrance of the cul-de-sac to the center of the turnaround. Mr. Boulden asked Mr. Norman if he yields to the Subdivision Regulations to interpret the Fire Code. Mr. Norman stated that he looks at the Subdivision Regulations as binding upon everyone and the Fire Code is another document that deals with fire safety and equipment. The Fire Code is not a part of the Subdivision Regulations.

Mr. Boulden and Mr. Norman discussed the various ways to measure the cul-de-sac and turnaround radius.

Mr. Norman requested that the Planning Commission approve the subject layout with 76-foot paving sections for the side street cul-de-sacs and the 96 feet paving section for long cul-de-sac, which he has included in the spirit of what the Fire Marshal is trying to accomplish.

Mr. Boulden stated that it seems to him that the cul-de-sac, under the Fire Code, starts after the straight line of the travel portion of the road reaches 150 feet. The cul-de-sac is part of the turnaround to compensate for the length and after 150 feet of straight road it does not seem implausible to provide the bulb after 150 feet of straight road. Under either Code it would appear that if the cul-de-sac is 128 feet of straight road, Mr. Norman could do what he wants. Mr. Boulden concluded that he would like to hear what the Fire Marshal has to say about all of this.

Mr. Ledford stated that the largest problem is that when the City adopted an international code, local authorities are not allowed to make interpretation of that Code (at least in the International Building Code) and it should go back to the international headquarters. Unfortunately, by the way this was adopted, it becomes the local authority. Tulsa could adopt a way of measurement that would be different from Broken Arrow or Jenks. This is an international code and if there is a problem with interpretation of it, he doesn't want the local people interpreting it. It should be interpreted by the committee that wrote the document. If there is a problem with the interpretation, he would like to see

something from the international headquarters clarifying that and not a local authority. Unfortunately, that is what we have right now.

Mr. Boulden stated that he disagrees with Mr. Ledford because the City of Tulsa provides an appeals board to interpret and have appeals from the Fire Marshal's application of the Fire Code. The City of Tulsa can't go to an international board every time there is a dispute. The City of Tulsa amends the International Fire Code to conform to local standards and that is why most of the adopting ordinances have a great deal of amendments to the Code. Whatever provisions are in the International Fire Code would be adopted by the City of Tulsa unless specifically excluded.

Mr. Ledford stated that the problem with the City of Tulsa adopting an international code and then allowing local people to interpret it would cause too many different interpretations.

Mr. Harmon asked staff what standard they were looking at while preparing the recommendation. In response, Mr. Alberty stated that staff looks at the Subdivision Regulations in addition to the input by the TAC. Sometimes TAC, as this provision stated, can require a modification.

**INTERESTED PARTIES:**

**Paul Gallahar**, City of Tulsa Fire Marshal, 411 South Frankfort Avenue, Tulsa, Oklahoma 74120, stated that he is reviewing this proposal in light of Fire Code, and the method in which the Fire Code was adopted was less than desirable. He would like to take issue with this fact, because all of the codes were submitted to public review and public deliberation.

Mr. Gallahar stated that he spoke before the Planning Commission on July 23, 2003, and the issue that was discussed was essentially the same issue as today. Appendix D being adopted was mentioned in the 2003 minutes and therefore the Planning Commission was put on notice prior to the code process taking place that changes were in the works.

Mr. Gallahar stated that the Assistant Fire Marshal is the plan reviewer and reviews these plots. He measures the distance to the end of the cul-de-sac and he believes that is consistent with the language in the Fire Code, which speaks to a dead-end. When there is a road that is 155 feet long and blocked off, then it would require a cul-de-sac being provided and it would make more sense to him to provide the cul-de-sac on the backside rather than the outward side because this would save a lot of concrete. The minutes of 2003 have a reference of the way that the Fire Department plans reviewer would review and interpret the depth and diameter of the cul-de-sacs.

Mr. Gallahar stated that for the first proposal with one long cul-de-sac, the Fire Marshal didn't have any comments due to the conjunction with the International

Fire Code, where the length is permissible to 170 feet. The plans reviewer determined that it complied with the Code and there was nothing to comment about. The Fire Department has never acquiesced in our position on the subject property and the Fire Department has always maintained the fact, that because of the depth exceeding 150 feet, the 96-foot diameter is required.

Mr. Gallahar stated that there are other provisions that apply to the table with the measurements of cul-de-sacs mentioned earlier and it is not a stand-alone width-of-pavement requirement. The International Fire Code states that "...fire apparatus access roads shall have an unobstructed width of not less than 20 feet." In Appendix D it also speaks to signage, parking and fire lanes and fire lanes are any Fire Department access road. In order to maintain that 20-foot requirement of Appendix D there are certain things that must be done and signage is one of the things that is available as an option to make sure that is accomplished. Once the longer lengths of cul-de-sacs (501' to 750') are in place, they are longer and less manageable lengths of roadways, and then the road would need to be widened to assure that the ability for passage and access for the apparatus to respond.

Mr. Gallahar stated that it was mentioned that the size of the cul-de-sac was linked to the turning radius of the apparatus (fire trucks), which in part is true. An average turning radius of the trucks that would respond would be 40 feet and there are also aerial ladders and some of the turning radii would be 50 feet plus.

**TMAPC COMMENTS:**

Mr. Jackson stated that the Planning Commission needs to pause to allow for changing of the tape for TGOV at 4:28 to 4:30 p.m.

Mr. Jackson asked Mr. Gallahar if the equipment he is speaking of would go into the residential area. In response, Mr. Gallahar answered affirmatively.

Mr. Jackson asked if the neighborhood that adjoins the subject neighborhood has all 76-foot cul-de-sacs, how the Fire Department will differentiate where they can and can't go with this equipment. In response, Mr. Gallahar stated that the Fire Department's position is that it should be 96 feet and there are smaller cul-de-sacs; however, those cul-de-sacs are less than 150 feet long and that depth is not going to be troublesome to get the trucks in because there is not a long distance to go.

Mr. Ledford inaudible.

Mr. Ledford stated that he differs with Mr. Gallahar that most of the cul-de-sacs that have 76 feet of paved area/turnaround are 150 feet and less.

Mr. Gallahar stated that the Fire Department contends that any cul-de-sacs that extend farther than the 150 feet should be 96 feet in diameter. This is consistent

with the Appendix D and it is consistent with the position that the Fire Department has taken over the last ten years that this particular individual has been the planner. He acknowledged that there are different-sized cul-de-sacs because the City of Tulsa is over 100 years old and there have been different standards. He commented that he can't go back and correct all of the ills from the past. He further commented that he can only deal with issues from this point forward and the issue today is the utilization of equipment that is larger than it was 30 years ago. The needs of the community have changed and the fire protection technology has changed as well. He commented that he understands the issue of cul-de-sacs and he knows what it means. There is a real need to look at the cul-de-sac as it relates to the overall picture and the overall fire protection of Tulsa.

Mr. Gallahar stated that there are five basic risk reduction strategies that the Fire Department looks at: 1) engineering; 2) enforcement; 3) education; 4) economic incentive, and 5) emergency response. The City of Tulsa spends millions of dollars every year to make sure that when there is a fire there will be the ability to respond and perform efficiently. This means that the Fire Department needs to get the trucks into the cul-de-sacs in such a way that they can operate efficiently. There are Federal requirements that come into play such as OSHA, which requires that a second company has to be on the scene before the first company can attack the fire (two-in and two-out provisions). The National Fire Protection Association standards require certain numbers of people to be on the scene performing certain functions in a given period of time. The reviewer is looking at the size of the cul-de-sacs and the turning radius of the truck and the ability for the five or six pieces of equipment to operate efficiently. If six pieces of equipment try to get into a 76-foot cul-de-sac, it would stack one on top of the other and the second engine is not going to be able to get in and operate effectively quickly. He reported that at one of the subcommittee meetings of the Subdivision Regulations, he had an example of how the trucks would enter into a cul-de-sac and the difficulties that would arise from stacking the trucks into it. Provisions have to be made for a ladder company for anything over 35 feet in height, which he believes the two-story homes would exceed. To accommodate a ladder company there has to be road width and sufficient room in the cul-de-sac to operate in the event there is a spread or breakthrough and they have to raise the ladder. The Fire Department has to have the room to operate efficiently. Once the firefighters are on the scene, they are not going to get bogged down in an area where they can't move around and get their job done. Over the last eight years the residential fire in which the department experienced the most loss was at the end of a cul-de-sac. The street was wide enough, but the end of the cul-de-sac was very small and it was an accessibility problem. The major losses in fire fighting in Tulsa were located on dead-end streets or cul-de-sacs.

Mr. Gallahar commented that the issues he has discussed today have been addressed in the International Fire Code and are issues that were recognized as

needs. The approaches or different ways are needed to reduce the risk and there are different strategies available to do this. There is one strategy that has been discussed before, which is using sprinkler systems in this type of development and infill development. Sprinkler systems are the most effective way to confront the fire problem. Currently there are two infill developments in Tulsa where the developers have agreed, as part of the covenant agreement, to the requirement of automatic suppressions or sprinklers in the home. This is the type of approach is what should be looked at.

Mr. Gallahar stated that for today's application, he would recommend the approach of sprinkling the houses or looping the streets. If the cul-de-sacs are going to exceed 150 feet, then they need to be large enough for the emergency response personnel to work in.

**TMAPC COMMENTS:**

Mr. Midget stated that there will still be a problem on how to accommodate existing residences on existing cul-de-sacs with the new trucks. If the trucks are getting bigger, then the City of Tulsa will have to figure out how to accommodate existing cul-de-sacs. It would seem that there should be some type of compromise in order to accommodate new or infill development and still meet some of the fire safety needs. In addition, he needs to understand how the Fire Marshal is defining dead-end and cul-de-sac.

Mr. Gallahar stated that when he referred to interchangeably dead-end or cul-de-sac, he was using both of these words. The bottom end of the cul-de-sac is the dead-end.

Mr. Midget stated that when he hears "dead-end" he thinks of a street that doesn't have a cul-de-sac or hammerhead and literally dead ends at one point.

Mr. Gallahar stated that the Fire Department has been looking for a solution and there are smaller pieces of equipment being developed for this type of issue.

Mr. Boulden asked if the Fire Code tells how to measure the lengths of the cul-de-sac or it is a local interpretation of the Codes. Mr. Gallahar stated that it does not tell how to measure a cul-de-sac and it is a local interpretation of the Codes.

Mr. Boulden asked if the Fire Code defines cul-de-sacs. He stated that he looks at the bulb of the cul-de-sac being something different from the length of the street. He commented that this is not his interpretation, but it is the Fire Marshal's interpretation on how the appeals board might interpret it. If there is a definition of a cul-de-sac in the Fire Code, it would be important to the Planning Commission.

Mr. Gallahar stated that he would have to research the Fire Code to see if there is a definition.

Mr. Boulden informed the Planning Commission that it is not their job to consider or interpret the Fire Code. It is something that might impact the TMAPC decision, but the job is to apply the Subdivision Regulations, and the Fire Code will be applied by the Fire Marshal and the Fire Appeals Board.

Mr. Jackson asked Mr. Gallahar if he could deal with the current proposal as shown. Mr. Gallahar stated that the City of Tulsa Fire Department will respond and will operate to the best of its ability with whatever confronts. Operations with a 76-foot cul-de-sac would be impaired from what they could be with a 96-foot cul-de-sac.

Mr. Jackson stated that there are only four lots on the cul-de-sac and he asked if the manpower and vehicles could get to those four lots within the 160 feet. In response, Mr. Gallahar stated that if there are cars parked around the cul-de-sac and then the fire trucks try to stack up to work a fire, it would be difficult to be effective.

Ms. Bayles stated that the Planning Commission is bound by the 2003 ICC addition, which has been adopted. She agrees that it states that a 96-degree cul-de-sac should be observed as long as it is the Fire Marshal's determination as the local fire code official. With respect to Mr. Ledford's comment about the IFC adoption, the Planning Commission knows that some municipalities choose not to adopt the most current addition basically because it meets the needs of their community.

Ms. Bayles asked Mr. Gallahar if he recalls the last addition that Tulsa adopted before the 2003 and the relationship it had to the radius of a cul-de-sac. In response, Mr. Gallahar stated that he believes it was 1996 BOCA Fire Code. He doesn't know the provisions it contained, but he does know that while the City of Tulsa was under the BOCA Code the review was done in accordance with the way the ICC had seen fit to include it in its documentation.

Ms. Bayles asked if this is an issue that could be or may possibly be subject to the Fire Appeals Board. In response, Mr. Boulden stated that he recalls that ultimately building permits would be issued and this would be reviewed at that point and if it is rejected because of the Fire Code, there would be an appeal to the Fire Appeals Board.

#### **Applicant's Rebuttal:**

Mr. Norman stated that he expressed earlier that he had hoped he could have avoid making this a preliminary debate over the Subdivision Regulations but that is where his client finds himself. He believes that if it weren't for this debate, his client's proposal would be accepted as a good subdivision with low density, large lots and everything about this proposal is appealing. The concern that everyone in Tulsa should have is the fact that if the Planning Commission accepts the Fire



Department's conclusion, all of the other cul-de-sacs that have been allowed in the past are now unsafe. The reason for the larger diameter is several reasons, but the main reason is that the City of Tulsa is buying bigger equipment. Perhaps the City of Tulsa should be buying smaller equipment so that they do not create unsafe implications for all of the other cul-de-sacs that have been developed over the years.

Mr. Norman stated that Mr. Gallahar made this same presentation to the Subdivision Committee and at the last meeting the members voted unanimously not to accept that approach and to recommend that up to 500 feet in length that a standard of 76 feet, which is what is in place today, and beyond 500 feet the standard would be established 96 feet. However, the Subdivision Regulation amendments are not being heard today. Had this been heard today he was going to ask that this application be heard after the debate on the Subdivision Regulations.

Mr. Norman stated that he has given, as part of the attachment, a publication by the Department of Environmental Protection to demonstrate that there are concerns about these massive areas of pavement within residential areas all over the country. These paved areas cause additional impervious area, not to mention the cost that is imposed upon the lot developer and the lot purchaser. He indicated that he supplied the in-between numbers of what is being proposed by the Fire Marshal, which would increase the paved area by 60%. He compared these figures to surrounding communities.

Mr. Norman stated that the cul-de-sacs are not serving four lots, but are only serving two because the main street in and out is an access to the two front lots. There is only concern is for the two southernmost lots or the two northernmost lots.

Mr. Norman read from the appendix regarding fire access roads "...dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with the Table." For access roads of up to 150 feet, there could be a dead-end road and no turnaround. He demonstrated how he could make one of the proposed cul-de-sacs a dead-end road, 26 feet wide with access for two lots, which he wouldn't have to provide with a turnaround. He is complying with the Subdivision Regulations by having a cul-de-sac, which he wouldn't have to have under the Fire Code, and he is getting penalized either way. In concept the cul-de-sacs are no more than 150 feet and he could create dead-streets serving the lots.

Mr. Norman requested that the Planning Commission to adopt his proposal as presented that meets all of the requirements for fire fighting and the current Subdivision Regulations.

**TMAPC COMMENTS:**

Mr. Midget recognized Mr. Gallahar.

Mr. Gallahar stated that he would like to clarify one point. The intent of distributing Appendix D to the Subcommittee, that has been referenced a number of times, was so that the configuration could be considered. There are a number of other provisions contained in other chapters of the Fire Code that would apply to the type of scenario that could be drawn up in the absence of the bulbs in this particular plat.

Mr. Harmon stated that there has been a lot of information presented. Due to the short length of these access roads into the cul-de-sacs and if the Planning Commission approves something that could be a risk, the Fire Marshal would ultimately block the building permit.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Ard, Carnes, Bayles, Harmon, Hill, Jackson, Ledford, Midget "aye"; no "nays"; none "abstaining"; Dick, Horner "absent") to recommend **APPROVAL** of the preliminary plat for Belmont, subject to special conditions and standard conditions per staff recommendation.

Mr. Norman asked for clarification that the approval. Mr. Harmon stated that it would be approved per plan as submitted.

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**Ms. Bayles out at 5:05 p.m.**

**Mr. Ledford out at 5:05 p.m.**

**Life Park –** (9234)

(PD 8) (CD 2)

West of northwest corner of West 61<sup>st</sup> Street and South Union

**STAFF RECOMMENDATION:**

This plat consists of two lots, one block, on 17.9 acres.

The following issues were discussed March 3, 2005 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 375 C.

2. **Streets:** Show both adjacent intersections. Show a mutual access easement through lot 1 per PUD Section II F. Include language for Limits of No Access restrictions. Two buildings are shown encroaching over the 210-foot building line. Sidewalks are required on 61<sup>st</sup> and Union, both secondary arterials, per City policy requiring sidewalks along arterial streets.
3. **Sewer:** No comment. Septic is proposed.
4. **Water:** A tie-in will be required to the existing 12-inch main line along the west side of Union Avenue. Check fire hydrant coverage for the buildings on this lot as the fire hose would lay off the back of the fire truck. The fire hydrant should have an in-line valve to the west of it for isolation reasons.
5. **Storm Drainage:** Add "stormwater" to the detention easement labels. The stormwater retention/detention facility, located in the northeast corner of the subdivision, should be labeled "stormwater detention easement". All proposed storm sewer and stormwater detention easements must have bearing and distance labels on all of their boundary lines. The public overland drainage, flowing across the southwest corner of the subdivision, must be placed in an overland drainage easement. It is very difficult to see the easement lines on this plat because the contour lines are much bolder than the easement lines they overlap. Please address this problem on all future plats. Recommend including the area (creek) adjacent to southwest detention facility in the easement. Add standard language for "stormwater detention maintenance" and for "overland drainage easement". Drainage along the west side of Union Avenue and the north side of 61<sup>st</sup> Street appears to flow in bar ditches. If this is correct, then show the entrance pipes for the entrances from these streets into the subdivision. Paved ditch liners may be required along both arterial streets.
6. **Utilities:** Okay.
7. **Other: Fire:** Pedestrian access should be shown for future transit stop. In the next phase of development access to the trail should be provided.

Staff recommends **APPROVAL** of the preliminary plat subject to 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.**

**INTERESTED PARTIES:**

**Kay Price**, 5815 South 31<sup>st</sup> West Avenue, Tulsa, Oklahoma 74145, stated that she believes this project is compatible with the Riverfield Country Day School that is next door. She commented that she talked with the school today and they are on sewer. She expressed concerns regarding the location of the project to Mooser Creek. Ms. Price requested that the documentation from TMAPC reflect the decision that was made this morning regarding tying into the sewer. She commented that she would like this in writing so that she will not have to come back and fight over a scrivener's error. She further commented that the subject property and area cannot handle septic systems and they do not work.

**TMAPC COMMENTS:**

Mr. Jackson asked staff what their position is regarding sewer versus septic systems. In response, Mrs. Fernandez stated that on the application it did state septic systems, but it is going to be sewer and there were no comments from Public Works Department regarding the sewer. Sewer is available and Mr. Sack has indicated that he will be using the sewer system for this project.

Mr. Midget stated that he believes that if the sewer lines are within 250 feet they have to connect. He assured Ms. Price that they couldn't get out of connecting to the existing sewer system.

**Applicant's Comments:**

**Ted Sack**, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that sewer is available and the project will be connecting to the sewer system.

**TMAPC Action; 6 members present:**

On **MOTION** of **CARNES**, TMAPC voted **6-0-0** (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to recommend **APPROVAL** of the preliminary plat for Life Park, subject to special conditions and standard conditions per staff recommendation, noting that the applicant will be utilizing the existing sewer system.

\* \* \* \* \*

**Sequoyah Hill – (8333)**

(PD 26) (CD 8)

East 116<sup>th</sup> Street South, East of Delaware (**Continuance requested until 3/23/05**)

**STAFF RECOMMENDATION:**

Mrs. Fernandez stated that staff is requesting a continuance to March 23, 2005.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **CONTINUE** the preliminary plat for Sequoyah Hill to March 23, 2005.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

**Tiffany Park Addition – (9918)**

(PD 17) (CD 5)

Lot 1, Block 3, South of 21<sup>st</sup>, West of Garnett

**STAFF RECOMMENDATION:**

This application is made to allow a change of access along East 21<sup>st</sup> Street. The proposal is to add a 40-foot limited access on East 21<sup>st</sup> Street in a CS zoning district.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson,, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the change of access for Tiffany Park Addition per staff recommendation.

**AUTHORIZATION FOR ACCELERATED RELEASE OF BUILDING PERMIT:**

**Utica Place – (9318)**

(PD 6) (CD 9)

1724 East 22<sup>nd</sup> Place

**STAFF RECOMMENDATION:**

This request is for an accelerated building permit in the Utica Place Addition. The applicant states "This is a multiphase, infill development with mixed uses. The nine-story mixed use building is the first phase and is the permit requested with this application. The small office building and nine residential homes, Phases II and III, respectively, are still being designed. Exact easement and lot line locations are not known at this time. This information will be determined and the plat filed while the first phase building is under construction and prior to issuance of the full building permit for phase I."

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plat per Section 2.5 of the updated Subdivision Regulations.

The preliminary plat was approved on September 3, 2003 by TMAPC. The accelerated permit can be considered if the preliminary plat has been approved, but the plat needs to be reinstated as it has technically expired.

The Technical Advisory Committee expressed concerns about the complexity of the project and release of an accelerated permit on the plat (which has changed engineers). Staff cannot recommend approval of the accelerated building permit until a Preliminary Plat is reinstated, as the existing plat is expired and may be changed, and a detail site plan is approved. Any approval of this accelerated permit should include the condition that it be per the approved site plan and per the approved plat after it has been reinstated. Public Works requires sanitary sewer plans, waterline plans and PFPI plans, as well as a building permit application.

Staff is now aware of the fact that a new revised preliminary plat is expected to be submitted and recommends that the new preliminary plat be approved by TMAPC, as is required for all accelerated building permits per the Subdivision Regulations.

Mr. Jackson asked Mrs. Fernandez how long staff needed to do their review. In response, Mrs. Fernandez stated that it would be April 6, 2005.



**Applicant's Comments:**

**Eric Sack, Sack & Associates**, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated he has another item on the April 6<sup>th</sup> agenda and if this could be heard in parallel with that, he would be in agreement with that.

**INTERESTED PARTIES:**

**Greg Jennings**, 2260 South Troost, Tulsa, Oklahoma 74114, stated that he was going to comment that the cart is before the horse. He commented that he doesn't have a problem with the project, but he would like to see a detail site plan before permits are being issued.

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **CONTINUE** the authorization for accelerated release of building permit for Utica Place to April 6, 2005.

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**ZONING PUBLIC HEARING**

**Application No.: CZ-354**

**RMH TO CS**

**Applicant:** Johnnie Williams

(County)

**Location:** 6230 North Gillette Avenue

**STAFF RECOMMENDATION:**

**CZ-187 July 1991:** A request to rezone 9.5-acre tract located on the southwest corner of East 61<sup>st</sup> Street North and North Utica Avenue from AG to IH to store dismantled automobiles was filed. TMAPC recommended denial of IH and recommended IL in the alternative. The Board of County Commissioners concurred in approving the IL zoning.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately one acre in size. It is located on the northeast corner of East 61<sup>st</sup> Street North and North Gillette Avenue, Tulsa, Oklahoma. The property is flat, non-wooded, contains several mobile home units on the lot and is zoned RMH.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 61 <sup>st</sup> Street North	Urban arterial	80'	2 lanes
North Gillette Avenue	Collector	60'	2 lanes

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

**SURROUNDING AREA:**

The site is surrounded by a mobile home park development on the north, zoned RMH; to the east by O'Brien Park (a Tulsa County Park), zoned RS; to the south by vacant land and an industrial park, zoned AG and IL, respectively; and to the west by single-family residential uses, zoned RS. To the south and east, also, is a vacant parcel at the intersection of North Lewis and East 61<sup>st</sup> Street North, zoned CS.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District Plan for this area (Planning District 24) designates this property as Low Intensity-Residential land use. According to the Zoning Matrix, the requested CS zoning **is not** in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

The requested use is a Use Unit 17, and will require an approval of the Tulsa County Board of Adjustment if the TMAPC recommends approval of this application. Although not in accord with the District Detail Plan, the proposed use appears to be compatible with surrounding existing uses and doesn't appear to have the potential for negative impacts on them. Therefore, staff recommends **APPROVAL** of CS zoning for CZ-354.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to recommend **APPROVAL** of the CS zoning for CZ-354 per staff recommendation.

**Legal Description for CZ-354:**

Block 4, Ashley Valley Mobile Village, a resubdivision of Scottsdale Addition in the NE/4, Section 6, T-20-N, R-13- E of the IBM, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and located in the northeast corner of East 61<sup>st</sup> Street North and North Gillette Avenue, (6230 North Gillette Avenue), Tulsa, Oklahoma, **From RMH (Residential Manufactured Home District) To CS (Commercial Shopping Center District).**

\* \* \* \* \*

**Application No.: CZ-355**

**AG to AG-R**

**Applicant:** Michael Brown

(PD-21) (County)

**Location:** Southeast corner of West 171<sup>st</sup> Street and South Elwood

**STAFF RECOMMENDATION:**

**CZ-344 July 2004:** Approval was granted for a request to rezone a forty-acre tract located west of the northwest corner of West 171<sup>st</sup> Street South and South Elwood Avenue from AG to AG-R.

**CZ-316 January 2003:** All concurred in approval of a request to rezone forty acres located west of the northwest corner of West 171<sup>st</sup> Street South and South Elwood Avenue from AG to AG-R for residential development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately twenty-eight acres in size. It is located on the southeast corner of West 171<sup>st</sup> Street South and South Elwood Avenue, Glenpool, Oklahoma. The property is gently sloping, non-wooded, vacant and zoned AG.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 171 <sup>st</sup> Street South	Primary arterial	120'	2 lanes
South Elwood Avenue	Secondary arterial	100'	2 lanes

**UTILITIES:** The subject tract is served by the City of Glenpool for water and sewer.

**SURROUNDING AREA:**

The subject property is surrounded by scattered single-family homes and farm land, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 21 Plan, a part of the Comprehensive Plan for the City of Glenpool, designates the subject property as Low Intensity – Residential. This application is in accord with the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and existing development, staff recommends **APPROVAL** of AG-R zoning for CZ-355.

**The applicant indicated his agreement with staff's recommendation.**

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

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-355 per staff recommendation.

**Legal Description for CZ-355:**

A tract of land that is in the N/2, N/2, NW/4 of Section 36, T-17-N, R-12-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, more particularly described as follows: Beginning at the Northwest corner of said Section 36; thence N 89°54'41" E along the North line of said Section 36 a distance of 1,323.29' to the Northeast corner of the NW/4 of the NW/4, of said Section 36; thence continuing N 89°54'41" E along said North line a distance of 441.10'; thence S 00°01'31" E a distance of 660.64' to a point on the South line of said N/2, N/2, NW/4; thence S 89°54'47" W along said South line a distance of 441.12' to the Southeast corner of the N/2, NW/4, NW/4; thence continuing S 89°54'47" W along said South line a distance of 1,323.37' to the Southwest corner of said N/2, N/2, NW/4; thence N 00°01'00" West along the West line of said Section 36 a distance of 660.59' to the Point of Beginning, and located in the southeast corner of West 171<sup>st</sup> Street South and South Elwood Avenue, Glenpool, Oklahoma, **From AG (Agriculture District) To AG-R (Agriculture – Residential Single-Family, Rural Development).**

\* \* \* \* \*

Application No.: PUD-146-1

MINOR AMENDMENT

Applicant: Robert Ratliff

(PD-18) (CD-8)

Location: 3527 East 71<sup>st</sup> Place

**STAFF RECOMMENDATION:**

This proposal is to amend the required setback from East 71<sup>st</sup> Street from 35' to 32' for an existing dwelling. Staff has been advised by the President of the Pebblecreek Home Owners Association that this encroachment is into the designated common property held in ownership by all the development's homeowners, Lot 51 (see attached letter). The terms of the original PUD-146 and documents submitted at the time of approval indicate reference to a common open space. However, none of the documentation submitted by the applicant for PUD-146-1 indicates the issue as anything other than a rear yard building line encroachment.

Staff recommends that this case be **CONTINUED** so that the applicant can provide further information in this regard.

**TMAPC COMMENTS:**

Mr. Jackson informed Mr. Ratliff that staff doesn't have all of the information needed to move this application forward. He instructed Mr. Ratliff to meet with staff tomorrow and provide the information needed and hear this case on March 23, 2005.

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **CONTINUE** the minor amendment for PUD-146-1 to March 23, 2005.

\* \* \* \* \*

## OTHER BUSINESS:

Application No.: PUD-686

DETIAL SITE PLAN

Applicant: Tanner Engineering

(PD-26) (CD-8)

Location: Northeast corner of East 121<sup>st</sup> Street and South Delaware

### STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a covered bridge, clubhouse and pool in the subdivision's common areas; and approval of a screening wall along the Delaware and 121<sup>st</sup> Street South right-of-way. All but the screening wall are located in 'Reserve D' per the approved plat. The PUD development standards do not include 'Reserve D', but do permit common use structures in all development areas and in 'Reserve A', the only reserve area mentioned. Entry gates, guardhouses and signage have been previously approved by TMAPC.

The proposed clubhouse is in conformance with setbacks as provided in the all development areas. A dumpster on site will be screened and the proposed pool will be contained within a fenced and gated area. The proposed covered bridge is located at a midpoint of the pond and links a pedestrian path on each side. The screening fence along Delaware and 121<sup>st</sup> Street South will be a "coated block wall" with a stone cap and stacked stone columns and intermittent decorative shutters.

Staff recommends **APPROVAL** of PUD-686 detail site plan as proposed.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

### **TMAPC Action; 6 members present:**

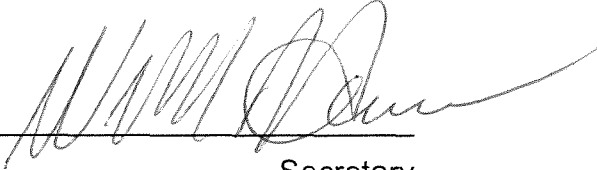
On **MOTION** of **HILL**, TMAPC voted 6-0-0 (Ard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Bayles, Dick, Horner, Ledford "absent") to **APPROVE** the detail site plan for PUD-686 per staff recommendation.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 5:20 p.m.

Date Approved: 5/18/05

Stacey M. Bayler  
Chairman

ATTEST:   
Secretary

