

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2559

Wednesday, September 2, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Carnes	Alberty	Boulden, Legal
Dix		Feddis	Steele, Sr. Eng.
Leighty		Fernandez	
Liotta		Huntsinger	
Marshall		Matthews	
McArtor		Sansone	
Midget		Armer	
Shivel			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 27, 2009 at 1:47 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

#### **Comprehensive Plan Report:**

**Martha Schultz**, City of Tulsa Planning Department, reported on the updates and schedules for PlaniTulsa. She asked the Planning Commission if they would like a rough draft or to wait until all of the corrections are made. The Planning Commission indicated that they want a rough draft as soon as possible.

#### **Director's Report:**

Mr. Alberty reported on the receipts for the month of July 2009 and indicated that the receipts are 11% down from this time last year. All applications are down in number.

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

Mr. Alberty reminded the Planning Commission that the OKAPA Annual State Conference is being held October 15, 2009 at the Oklahoma Jazz Hall of Fame and INCOG will pay the registration fees. He encouraged the Planning Commissioners to individually register and turn their receipts into INCOG for reimbursement.

Mr. Alberty reported that staff is working with the City of Tulsa Planning Department to review the PlaniTulsa Comprehensive Plan updates and revisions.

**TMAPC COMMENTS:**

Ms. Cantrell stated that she appreciates INCOG paying for the registration since the budgets are tight. Ms. Cantrell encouraged the Planning Commissioners to take advantage of the conference if possible.

Mr. Leighty stated that he is glad to hear that staff is working with the City of Tulsa's Planning Department on the PlaniTulsa updates and revisions. He hopes this continues for the duration. Mr. Alberty stated that staff has been in close communication with the City of Tulsa Planning Department.

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**Minutes:**

**Approval of the minutes of August 19, 2009 Meeting No. 2557**

On **MOTION** of **LEIGHTY** the TMAPC voted 10-0-0 (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minutes of the meeting of August 19, 2009, Meeting No. 2557.

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Ms. Cantrell stated that Item 9, Z-7140/Z-7140-SP-1 will need to be continued due to a problem with the posting of the public notice sign.

Mr. Johnsen stated that he understands that the public notice sign was posted on 81<sup>st</sup> Street and Legal has advised the Planning Commission that it is insufficient notice. It is required by ordinance and Statute to post on the subject property under application. There is no choice but to continue this application. This will take about three weeks to repost. Ms. Cantrell stated that the continuance will be for September 23, 2009.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **CONTINUE** Z-7140/Z-7140-SP-1 to September 23, 2009.

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

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Ms. Cantrell stated that Item 2 will be removed from the consent agenda.

**CONSENT AGENDA**

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

- 3. **LC-205** – John Elder (9131)/Lot Combination (County)  
Northeast corner of West 61<sup>st</sup> Street and South 167<sup>th</sup> West Avenue
- 4. **LS-20333** – Sack and Associates, Inc (8201)/Lot-Split (PD 18) (CD 2)  
Northwest corner of South Riverside Parkway and South Peoria Avenue, 6720 South Peoria Avenue East
- 5. **PUD 379 C –** (8302) Amendment to Deed of Dedication (PD 18) (CD 7)  
West of South Memorial Drive and North of East 71<sup>st</sup> Street
- 6. **PUD 379 C –** (8302) Plat Waiver (PD 18) (CD 7)  
West of South Memorial Drive and North of East 71<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by a PUD major amendment.

**Staff provides the following information from TAC at their August 20, 2009 meeting:**

**ZONING:**

TMAPC Staff: A plat waiver was previously granted to a major amendment for this platted property.

**STREETS:**

The requirement for sidewalks was previously waived.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORM DRAIN:**

No comment.

**FIRE:**

No comment.

**UTILITIES:**

No comment.

Staff recommends **APPROVAL** of the plat waiver.

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

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

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

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

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

**The Planning Commission considered the consent agenda.**

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the consent agenda Items 3 through 6 per staff recommendation.

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**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

2. **LC-195** – Adrian Watts, Jr. (8419)/Lot Combination (County)  
 North of East 101<sup>st</sup> Street and East of South Mingo Road, 10205 East 101<sup>st</sup> Street

**STAFF RECOMMENDATION:**

Ms. Feddis stated that this is a lot-combination on which the County Engineer put a condition of 60-foot right-of-way and the owners are asking for a waiver of that condition. The 60-foot right-of-way is for the entire frontage, which is 101<sup>st</sup> Street.

**Applicant's Comments:**

**Linda Watts**, 10205 East 101<sup>st</sup> Street, stated that she lives on an acreage that is zoned AG and she would like to build a detached garage behind her home. The original lot did not include the proposed garage site and were informed that it would require a lot-combination. TMAPC is requiring an additional 35-foot easement across the frontage of the new combined lots. Ms. Watts commented that this would amount to over ¼ of an acre and she is asking for a waiver of the easement. She asked what is the connection that requires this easement as a

condition for building a garage? All of the utilities are already provided on the other side of 101<sup>st</sup> Street. She was told that this is just an easement and that she would still own the property; however, this easement gives others the right to use, clear, dig, etc. She expressed concerns that her trees could be cut down or her concrete driveway torn up, or her electric gate removed because they would all be in the easement. Ms. Watts stated that she fully expects to lose the frontage to the road being widened some day; however, that could be ten to 15 years away.

**Adrian Watts, Jr.**, cited the boundaries of the entire property that his wife and children own. The garage would be located 150 feet behind the existing home. He explained that in order to comply, he was going to combine the lots and make it one ten-acre lot. Then in a future date he would split it into four acres and six acres because it belongs to his wife and two sons.

**TMAPC COMMENTS:**

Ms. Cantrell asked Mr. Watts if someone explained to him that the property adjacent to his has already dedicated the easement and this is something that the County does because otherwise they could never afford to widen streets. It doesn't mean that the County will come and put a road right there right now. Mr. Watts stated that he understands that.

Ms. Wright stated that she wouldn't have a problem giving this variance, but it should go before the BOA. Mr. Watt stated that they didn't call this a variance, they called it a waiver.

Ms. Cantrell stated that it would be a waiver of Subdivision Regulations.

Ms. Matthews stated that staff informed her that there are plans within five years to widen 101<sup>st</sup> Street.

Ms. Cantrell stated that she can only think of one circumstance where the Planning Commission ever waived the right-of-way and that was for the Meadow Gold sign and it was a non-profit organization. It has been the policy to not waive the easements because that is how the City and County can go in and widen their streets. If the Planning Commission waived this today, then they would have to do it for everyone in the future. Mr. Watts stated that the subdivision adjacent to him came in through a PUD and he is sure they knew that they would have to give up that easement when they did it. He explained that he is not trying to develop anything, but he is trying to build a garage in his backyard. Ms. Cantrell reiterated that lot-splits and lot-combinations are subject to the same requirements. Subdivision Regulations require that the right-of-way is provided.

Ms. Cantrell recognized Ms. Watts.

Ms. Watts asked the Planning Commission if it seemed reasonable to ask her to give a ¼ of an acre to the County, because basically an easement is giving up land, since one can't use it as they wish. She doesn't understand why she is expected to give ¼ of an acre in easement so that she can build a garage in the back of her property. She understands why the County would want that easement and use the leverage that they have, but to her it is outrageous considering the value of the property. The County would like to have the land free, but she finds it mind-boggling that this is a requirement to build the garage on her own property. Ms. Watt stated that she feels it is unreasonable and the Planning Commission is saying that they have the power to do it anyway.

Ms. Cantrell asked Ms. Watts if there is any way for her to build her garage without combining the two lots. Ms. Watts stated that that would probably be the next thing she would try to do. She explained that the subject property is zoned AG and it would have to have an agricultural purpose. There is no livestock and they do not farm, but they could buy some animals to get around it.

Ms. Matthews stated that they would possibly be asking for a principal use that is not one of agricultural type, which is a garage, as principle use on agriculturally-zoned property and that is why they have to combine the lots. If the subject property is agriculturally zoned, it would require that the building be an agricultural use as defined in the Zoning Code. A garage is not a principal use in the Zoning Code for an agricultural area.

Ms. Cantrell asked if a storage shed would be considered agricultural use. Ms. Matthews stated that possibly it was, but that would be a question for Mr. Boulden.

Mr. Watts responded to Ms. Cantrell's question away from microphone (inaudible.)

Mr. Watts stated that perhaps part of the misunderstanding was with the developer filing the application incorrectly. He explained that he is trying to build a building for his wife and kids on their property, but then it was discovered that the house was on a different lot and so he was informed he had to combine the lots. He thought this would be an easy thing to do and applied for the lot-combination, only to find out that he would have to give up the easement for the lot-combination and he is not ready to do that. He realizes in the future that will have to happen, but he wants the County to come to him and ask for it and not him giving it to them now. Mr. Watts asked what would have happened if he had just asked to build a barn on the subject property. This will be a multi-purpose building with his tractor, farm implements, mowers, log-splitters, tools, supplies, a greenhouse for his wife's tropical plants, etc. It just seemed like a nice addition to his existing home.

Ms. Cantrell stated that it sounds to her like this is an agricultural building, but she would defer to Legal for that determination.

Ms. Cantrell asked Mr. Boulden if the applicant could build the building with the uses that the applicant just described on an agriculturally-zoned property. Mr. Boulden stated that he believes that there is a valid argument that could be made. If it is a garage for the residential property and it is not on the same lot, then it is not an accessory to it and it becomes the principal use and it also becomes a storage unit on AG property, which would have to be rezoned in order to allow it. There are certain aspects of a barn that were described, but whether it is used in relationship to the AG property or not he wouldn't know. This is a decision that he would normally defer to the zoning official and let them make a decision.

Mr. Marshall asked what happens when the City doesn't have all of the easements that they need to widen a road, do they have to purchase the property? In response, Mr. Boulden answered affirmatively. Mr. Marshall stated that if the applicant would wait until the City comes to him to ask for the property in order to widen the road they will pay for it, because otherwise you are just giving it to them.

Mr. Boulden stated that these kinds of dedications that are required in lot-splits and platting are called exactions. The Constitutional Law requires that the exactions have to have some relationship with the development and the impact of the community and it should be proportional to that impact.

Ms. Wright stated that it sounds like this is almost a deal where perhaps it might be better to withdraw the lot-combination and build a barn to be in compliance. Mr. Boulden stated that if it was a genuine barn, it sounds like it would be just fine there, but that is a judgment call that he is not prepared to make and it is certainly not his job.

Ms. Wright asked Mr. Boulden what he meant by a legitimate barn. In response, Mr. Boulden stated that one can call it a barn and inside it may have a lot of automotive things or used to change oil in cars, etc. Looking on the outside of the proposed building it looks like a barn, but he doesn't know what is going on inside or what it is actually being used for. It is really the use of what is going on inside that will control what they can do.

Ms. Wright asked Mr. Boulden if they require the applicant to produce pictures of their tractors or farm implements. Mr. Boulden stated that they do not require pictures, but if the owner started using the building for something that is not allowed in that zoning district, then they will be investigated and perhaps there would be charges and citations. They have to abide by the use that they were given on the certificate of occupancy.



Ms. Wright asked what the likelihood is that one would build a barn and not use it for agricultural use. Mr. Boulden stated that he is outside his comfort zone with this question. Mr. Boulden stated that there have been situations where coffee houses were built when it was applied for as an art studio, which have totally different requirements. We have to trust the people that they are going to apply for a permit for the use that they say they are, but we know that in some cases they do not do what they say. The alternative is to prosecute them or close our eyes and hope that it goes away.

Ms. Cantrell asked the applicant would like to continue this application and allow them to discuss this issue with the permitting office to see if it has been mischaracterized for the use or if the Planning Commission could vote on it today to determine whether to approve the waiver.

Ms. Watts stated that she is not sure the mowers and tractors will be considered AG use. There will be cars and her ferns will be in there. If they are going to prosecute her for not doing any farming, she is afraid it might not qualify.

Mr. Watts stated that it is truly a multi-purpose building and it will hold the tractor, brush hog, box blade, finish mowers, a log-splitter, parts, etc.

Ms. Cantrell informed Mr. and Mrs. Watts that the Planning Commission is not the body that decides what it is. The permitting office will determine the category of use and the Planning Commission has no authority over permitting. It sounds to her that this either a storage shed or a barn. She explained that she can't speak for everyone on the Planning Commission, but she doesn't believe they will get the waiver of the Subdivision Regulations.

Mr. Midget asked Mr. Watts if he would be maintaining the property that the proposed building will be sitting on. In response, Mr. Watts answered affirmatively. Mr. Midget suggested that they visit with the permitting office again.

Ms. Watts stated that her goal is to have the building and not give the easement, and so however that can be achieved, that is her goal.

Mr. Dix suggested that they withdraw the application and put in the right name and reapply. He further suggested that they find out the exact time they will be widening 101<sup>st</sup> Street. He believes that if there are no plans to widen the road they can't demand to take it. Ms. Cantrell stated that staff indicated that they do have plans to widen 101<sup>st</sup> Street within five years. Mr. Dix stated that he would like to see the report that says that. Mr. Dix asked Legal if there is case law that states if there are no plans in the future to widen a road that they can't take the land. Mr. Boulden stated that he hasn't seen that case law, but he knows that there has been some legislation proposed that discusses that. Mr. Boulden stated that it sounds like it is on the Major Street and Highway Plans. Ms. Feddis stated that she doesn't have documentation, but she did speak with Tom Rains,

Tulsa County Engineer, and he stated that 101<sup>st</sup> Street would be widened within five years. Mr. Dix encouraged the applicant to look into the widening of 101<sup>st</sup> Street.

Mr. Leighty asked Mr. and Mrs. Watts if they have a ballpark figure of what the easement would cost. Mr. Watts stated that at today's prices, it would be fifty to hundred thousand dollars per acre, depending on what kind of units would be put on them. Mr. Leighty asked if the minimum would be ten to fifteen thousand. Mr. Watts agreed. Mr. Watts further explained that there is a 150-year-old oak tree on the easement and in his opinion it is worth a lot more than that. Mrs. Watts stated that this is the reason she hasn't sold the property, because of the oak trees on the subject property.

Mr. Leighty stated that he is sympathetic toward the applicant's plight here and the Planning Commission would like to support them, but the Planning Commission can't set a precedent that can't be lived up to before or after a development happened. He assumes that there would be some risk if the applicant does what some have proposed today, because the Planning Commission can't guarantee that they wouldn't have to defend themselves at some future date. If there is indeed a five-year plan for the street to be improved, it would be difficult for the Planning Commission to waive the dedication.

Mr. Marshall suggested that the applicant continue this application and talk to the permit office to see if there another way to get this proposal done. At that time the applicant could decide whether to keep this lot combination application on or do away with it.

Ms. Wright stated that her recommendation is to withdraw the application and clear out a place for a nice vegetable garden and farm that area in order to get the building.

Ms. Cantrell informed Mr. Watts that the decision is up to him, but she would recommend that he take Mr. Marshall's suggestion and continue this case. If the case is withdrawn and then it is heard at a later date, he would have to pay the filing fees again.

Mr. Watts stated that his decision is to withdraw the lot-combination application for LC-195. He explained that he will look into other methods to build the building.

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## **PUBLIC HEARING**

7. **Cedar Hills Amended** – (8419) Minor Subdivision Plat (PD 18) (CD 8)  
North of East 101<sup>st</sup> Street, East of South 106<sup>th</sup> East Avenue

### **STAFF RECOMMENDATION:**

This plat consists of 14 lots, two blocks, on 4.29 acres.

The following issues were discussed August 20, 2009 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-746. The plat is a replat of the original Cedar Hills plat which was filed in August of 2008. There will be 14 lots instead of the original eight lots. There are minor lot line changes from the original plat. All PUD requirements and standards must be listed in the restrictive covenants.
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Plat number 6230 which is being amended by this plat, has a stormwater detention note which states: The Developer of "Cedar Hill" will pay a fee-in-lieu of on-site stormwater detention as approved by the City of Tulsa and Tulsa County. This fee was never paid. A similar note must be added to this plat, and the developer must pay a, lots per acre based, fee of \$13,835.00 prior to release of this plat by the Development Services department of the City of Tulsa.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

**GIS:** On the location map, label and highlight the platted area. Submit a subdivision control data form in which the first point shall be the Point of Beginning with two other points on or near the plat's boundary.

Staff recommends **APPROVAL** of the Minor Subdivision Plat subject to the TAC comments and the special and standard conditions below. All release letters have been received.

**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.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the minor subdivision plat for Cedar Hills Amended per staff recommendation.

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8. **BOA – 20933 –** (0330) Plat Waiver (PD 2) (CD 3)  
Northeast corner of East Seminole Street and North Quaker Avenue

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by Board of Adjustment case 20933, which permitted a day-care use in an RS-3 zoning district.

**Staff provides the following information from TAC at their August 20, 2009 meeting:**

**ZONING:**

TMAPC Staff: The property has been previously platted.

**STREETS:**

Traffic study should be conducted to determine the suitability of 20 employees and 80 children in and out of a facility bordering a residential area. Sidewalks are required along Quaker and Seminole.

**SEWER:**

No comment.

**WATER:**

No comment.

**STORM DRAIN:**

This site abuts residential properties, and the existing drainage route is towards those properties. The additional drainage from this site must be collected on-site, and then be directed towards the public drainage system along the roadways south and west of this site.

**FIRE:**

No objections. Suggest owner get with architectural plan review staff about building code requirements for a day care center.

**UTILITIES:**

No comment.

Staff recommends **APPROVAL** of the plat waiver. The Development Services staff recommended that the applicant discuss parking and building permit concerns with the permit staff as soon as possible especially those relating to parking spaces, building and fire codes, and traffic patterns.

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

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

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

	<b>YES</b>	<b>NO</b>
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X

- 9. Is the property in a P.U.D.? X  
a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X  
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the plat waiver for BOA-20933 per staff recommendation.

\* \* \* \* \*

**OTHER BUSINESS:**

- 10. **Review and Discuss TIGER Grant Application concerning I-244 bridge over the Arkansas River.** (James Wagner, Senior Transportation Planner/INCOG)

**STAFF RECOMMENDATION:**

**Tim Armer**, Manager of Transportation Planning and Programs, INCOG, explained that TIGER is under the American Recovery Investment Act Stimulus Projects and Program Acts. In February there was a set-aside of transportation funds of about \$1.5 billion available nationwide for what they call Transportation Investments Generating Economic Recovery (TIGER). This is for transportation projects selected by the USDOT Secretary. The Oklahoma Department of Transportation has asked staff to assist them in developing an application to replace the bridges on I-244 across the Arkansas River. These bridges have a national rating that is less than the Minnesota bridges that collapsed. The bridges badly need replacing and ODOT has spent a substantial amount of money keeping them maintained. As part of the application, ODOT is also proposing the following projects:

**Reconstruction of I-244 Arkansas River Bridge**

This project proposed to **reconstruct the I-244 Arkansas River Bridge** to accommodate both vehicular traffic and the addition of a commuter rail transit



system. The reconstruction efforts can be accomplished in three phases, as indicated below. Oklahoma Department of Transportation will be the applicant for the project and will oversee the

### **Replacement of the West-Bound Bridge**

Remove and reconstruct the existing west-bound bridge with a structure that will carry both vehicular and commuter rail transit traffic. The proposed structure includes accommodations for the same number of lanes and configuration of the existing bridge (3/4 lanes) but with improved shoulders (10 FT). The proposed bridge has an estimated length of 2200', and an overall width from 58' to 70'. The proposed structure would also accommodate two tracks for a future rail transit system which would run beneath the vehicular portion of the bridge. This rail bridge would also serve as the high-speed rail connection to Oklahoma City, should the funding be approved.

### **Replacement of the East-Bound Bridge**

Remove and reconstruct the existing east-bound bridge with a structure that will carry vehicular traffic only. The proposed structure will accommodate the same number of lanes and configuration as the existing structure (4 lanes), but with improved shoulders (10 FT). The overall width is estimated to be 70'. Though the proposed structure will not carry the commuter rail tracks, span lengths will be adjusted to accommodate the proposed commuter rail connection with a transit station to be located to the south and east of the structure (on the west bank).

### **Commuter Rail Track**

The track work for the commuter rail system is proposed to consist of two tracks beneath the west bound vehicular bridge with appropriate connections to the proposed transit station on the west bank, and would align with a future commuter rail system envisioned to pass through downtown Tulsa and connect suburbs to downtown. This connection would be for exclusive use of passenger transit and eliminate the need for freight and passenger trains to share the existing rail bridge.

### **Bicycle/Pedestrian Enhancements**

The proposed project would add enhancements to the multi-modal trail passing under I-244. Currently the trail crosses Southwest Boulevard at-grade. The trail would be modified to pass under Southwest Boulevard, the Cyrus Avery Memorial Bridge, and the two I-244 bridge spans. On the west bank of the river, the existing multi-use trail would continue under Southwest Boulevard, the Cyrus Avery Memorial Bridge, and the I-244 bridges to an area near the water currently owned by the Holly Refinery.

Mr. Armer indicated that the total cost for these improvements would be \$170 million and all would be federally funded. Staff anticipates that there will be five projects being submitted under this grant program and it seems a little of a stretch to see any of these projects succeed, but staff wants to support this as

much as possible. ODOT has requested that staff assist them in generating letters of support and today he is seeking a letter of support from the Planning Commissions for this application. The implications are significant in terms of future land use should this be successful in developing passenger rail service. The station locations will have a tremendous impact in economic development and for everything that has been discussed in the PlaniTulsa Comprehensive Plan update process. Staff has been working closely with City staff and the consultants. This is a critical link and there will be no other rail crossing of the Arkansas River within 40 miles on either side. Providing this crossing will provide regional rail movement for passenger traffic, as well as high-speed rail movement that ODOT is pursuing between Tulsa and Oklahoma City.

**TMAPC COMMENTS:**

Mr. McArtor asked Mr. Armer to expand on the possibilities of this succeeding. Mr. Armer stated that there is \$1.5 billion available nationwide and it is a competitive program. Staff is aware that in the Tulsa region alone, there are approximately \$500 million dollars worth of applications being prepared for this program. This is out of one region in the entire nation and he wouldn't be surprised to see request for funding of about a hundred to maybe three hundred to one in terms of the dollars available. The applications have to be extremely excellent applications, with perhaps good connections with individuals who are making the decisions to see these succeed. This is a very worthwhile application and fits well with the criteria of the TIGER program as published in the Federal Register. This is an opportunity that doesn't come around often, if ever.

Mr. McArtor asked Mr. Armer if he could explain the other applications that he is aware of. Mr. Armer stated that the other applications are as follows: City of Tulsa, development of multi-modal facility to the east of the International Airport and replacing the Southern Kansas and Oklahoma rail line yard to the east of the OSU-Tulsa Campus; bi-state application between Arkansas and Oklahoma for the deepening of the McClellan-McClure Navigational Channel; ODOT is applying for the grade separation of rail lines in the City of Claremore, which is to elevate one of the two lines and to add five grade-separated crossings in Claremore; and an application that staff is working closely with Tulsa County to develop the existing rail corridors and doing capital improvements to make them ready for future rail transit in the region.

Mr. McArtor asked if there is any prioritization to these applications, since many come from the same region. Mr. Armer stated that is INCOG's intent, as well as that of ODOT, City of Tulsa, to indicate that this application is to be the highest priority in the State of Oklahoma. ODOT is submitting this as a high priority for the State. There is no requirement under the program to prioritize these applications, although they have indicated in the regulations that they will limit the total amount to any one state to \$300 million dollars.

Mr. McArtor stated that it would seem that if this bridge is less efficient than the failed bridge in Minnesota, it would get someone's attention. He would think that all of the other applications would bow to this one due to the fact that it is underrated. Mr. Armer agreed with Mr. McArtor's comments and stated that is why he is requesting the support of the TMAPC.

Mr. Midget asked if there is a match requirement for this application. Mr. Armer stated that there is not a match requirement; however, ODOT is identifying other funds that they have committed to this project in order to reduce the total amount necessary to complete it.

Ms. Cantrell stated that she is willing to support this application.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **DIRECT** staff to prepare a letter of support for the TIGER Grant Application concerning I-244 bridge over the Arkansas River.

**TMAPC Action; 10 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE AND ACCEPT** prepared letter of support for the TIGER Grant Application concerning I-244 bridge over the Arkansas River that has been provided by INCOG's Transportation and Planning Department.

\* \* \* \* \*

11. Review and Consider TMAPC Meeting dates for 2010.

**STAFF RECOMMENDATION:**

**2010 SCHEDULE**  
**Tulsa Metropolitan Area Planning Commission (TMAPC)**

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Regular meetings of the TMAPC are held on Wednesdays at 1:30 p.m. in the One Technology Center, 175 E. 2<sup>nd</sup> Street, City Council Chambers, 2<sup>nd</sup> Level, Tulsa, Oklahoma.

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

<b>JANUARY</b>	<b>FEBRUARY</b>	<b>MARCH</b>
6 <sup>th</sup>	3 <sup>rd</sup>	3 <sup>rd</sup>
20 <sup>th</sup>	17 <sup>th</sup>	17 <sup>th</sup>
27 <sup>th</sup> meeting and worksession	24 <sup>th</sup> meeting and worksession	24 <sup>th</sup> meeting and worksession
<b>APRIL</b>	<b>MAY</b>	<b>JUNE</b>
7 <sup>th</sup>	5 <sup>th</sup>	2 <sup>nd</sup>
21 <sup>st</sup>	19 <sup>th</sup>	16 <sup>th</sup>
28 <sup>th</sup> meeting and worksession	26 <sup>th</sup> meeting and worksession	23 <sup>rd</sup> meeting and worksession
<b>JULY</b>	<b>AUGUST</b>	<b>SEPTEMBER</b>
7 <sup>th</sup>	4 <sup>th</sup>	1 <sup>st</sup>
21 <sup>st</sup>	18 <sup>th</sup>	15 <sup>th</sup>
28 <sup>th</sup> meeting and worksession	25 <sup>th</sup> meeting and worksession	22 <sup>nd</sup> meeting and worksession
<b>OCTOBER</b>	<b>NOVEMBER</b>	<b>DECEMBER</b>

<b>6<sup>th</sup></b>	<b>3rd</b>	<b>1<sup>st</sup></b>
<b>20<sup>th</sup></b>	<b>17th meeting and worksession</b>	<b>15th meeting and worksession</b>
<b>27<sup>th</sup> meeting and worksession</b>		

**TMAPC COMMENTS:**

Ms. Wright stated that it came up over the past year that when the City Council is not in session, there may not be a reason for the Planning Commission to be meeting. Ms. Cantrell stated that she believes the Planning Commission has a different timeframe. Applications that come to the Planning Commission still take some time to get to City Council and she doesn't see their timeframe as being of any relevance to the Planning Commission. She understands that spring break can be difficult, but she doesn't see it as a problem.

Ms. Huntsinger reminded Ms. Cantrell that the dates are simply to reserve the meeting room.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE and ADOPT** the 2010 TMAPC meeting dates per staff recommendation.

\* \* \* \* \*

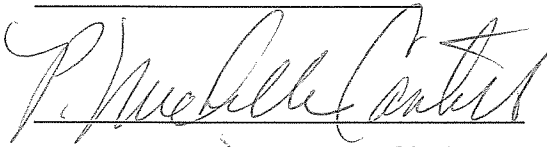
**Commissioners' Comments**

Mr. Shivel thanked Mr. Armer for coming to the Planning Commission to represent the Policy Committee today. He knows that the committee is very proactive and the citizenry can appreciate that.

\* \* \* \* \*

There being no further business, the Chair declared the meeting adjourned at 2:30 p.m.

Date Approved:

A handwritten signature in cursive script, appearing to read "P. Michelle Carter", written over a horizontal line.

Chairman

ATTEST:   
Secretary