

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2019

Wednesday, May 3, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle
Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Midget, Mayor's
Designee
Pace

Members Absent

Selph
Taylor

Staff Present

Gardner
Hester
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, May 2, 1995 at 12:45 p.m., at the Office of the County Clerk at 12:53 p.m. as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:38 p.m.

Minutes:

Approval of the minutes of April 19, 1995, Meeting No. 2019:

On **MOTION** of **BALLARD**, the TMAPC voted **6-0-1** (Ballard, Carnes, Doherty, Gray, Horner, Ledford "aye"; no "nays"; Pace "abstaining"; Boyle, Midget, Selph, Taylor "absent") to **APPROVE** the minutes the meeting of April 19, 1995 Meeting No. 2017.

REPORTS:

Chairman's Report:

Chairman Carnes deferred the Chairman's Report to the end of the meeting.

At the conclusion of the TMAPC agenda Mr. Carnes reported on the postponement of the spring workshop scheduled for May 2 due to low attendance.

Chairman Carnes informed that Bobbie Gray, Planning District 11 liaison, will be attending a meeting at the Rudisill North Regional Library tonight regarding Country Club Square Development and closing of Country Club Drive at the corner of Osage and Fairview to through-traffic.

Committee Reports:

Budget and Work Program Committee

Mr. Horner requested an update of the FY96 Budget.

Mr. Gardner explained that the process is ongoing, with final determination to be made at a later date.

SUBDIVISIONS:

PRELIMINARY PLAT:

River Creek Village (PUD-306)(2083)

(PD-26)(CD-2)

Northeast corner of East 101st Street South and South Delaware Avenue.

Jones presented the plat with Ted Sack and Charles Norman in attendance.

French stated that the 50' right-of-way and 50' building setback line on South Delaware is acceptable as meeting the requirements for a parkway.

French also stated that a waiver of the Subdivision Regulations would be required in order not to dedicate the additional 8' of right-of-way on East 101st Street South for a right turn lane.

Somdecerff requested an additional 10' of right-of-way for the intersection angle.

Sack noted the change of access point on East 101st Street South and French recommended the westernmost access point be eliminated.

Miller requested a 17.5' utility easement along South Delaware with the exact location to be worked out with the engineer.

French recommended that due to safety concerns, no access be permitted to South Delaware Avenue.

After considerable discussion regarding access, Norman stated that it is his belief the owner of the property has the legal right of access to South Delaware subject to reasonable regulations by the City.

French stated that Traffic Engineering would be glad to review more detailed plans for access if submitted by the engineer. Also, that a Parkway is designed and intended to provide a higher level of service in regards to carrying capacity.

River Creek Village is a 5.1-acre commercial subdivision plat that is part of PUD-306. The property was approved by the TAC in June 1994 and the TMAPC in July 1994 for preliminary plat approval as **Keesee Center**. One important condition that came from the previous review was that Traffic Engineering prohibited any access to the property from South Delaware Avenue (designated as a parkway). This condition was approved by the TMAPC.

Staff would offer the following comments and/or conditions:

1. All conditions of PUD-306 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.

12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. 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.
16. The method of water supply and plans therefore 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. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
21. This plat has been referred to Jenks because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
22. 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.)
23. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **NELSON**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** for **RIVER CREEK VILLAGE** and **DENIAL** of the waiver of the Subdivision Regulations in order not to dedicate the additional 8' of right-of-way of East 101st Street South.

Staff Comments

Mr. Jones reminded the Planning Commission that approximately one year ago a preliminary plat was reviewed on this tract, Keese Center. He informed that the original plat has since expired and this new preliminary plat for River Creek Village has been submitted with a slightly different configuration. Mr. Jones reviewed conditions recommended by TAC and noted that a minor amendment will be needed to reallocate floor area within the PUD. The original PUD was set up for one development area and the applicant is requesting three. Mr. Jones informed that the recommendation by TAC of no access to South Delaware Avenue is a matter of contention by the applicant. He informed that South Delaware Avenue is designated as a parkway which acts at a capacity much higher than an arterial street. Mr. Jones noted that this plat depicts a 50' building setback line and a 50' right-of-way line. He informed that TAC wants noted that although the 50' dedication and 50' setback line are adequate on this property, they did not want to set a precedent for further right-of-way needs or dedication south of the subject tract.

Responding to inquiry from Mr. Doherty, Mr. Linker advised that if the Planning Commission should approve the request and require less right-of-way than required, it would not set a precedent for right-of-way requirements farther south if the facts for this tract are unique.

Mr. Jones noted that this property is unique since it is bordered on the north by the Creek Expressway and to the south by 101st Street.

Jon Eshelman

Traffic Engineer

Mr. Eshelman explained that the proposed Riverside Parkway at this location will not be built symmetrically at about the quarter-section line. It will be offset to the west to align with piers under the turnpike. He explained that in this particular area, because it is offset, no additional right-of-way will be required on the east; however, farther south requirements will be different.

Applicant's Comments

Charles Norman, attorney for the applicant, expressed concern over the recommendation of the Traffic Engineering Department that this property not be allowed access to south Delaware. He gave a detailed history of the tract. Mr. Norman discussed Citations of Authority earlier presented to Russell Linker regarding cases in Oklahoma where property owners abutting a street have a right of access to that property and that right is subject to reasonable regulation by the public authorities. Mr. Norman declared that this issue deals with the fundamental right of access to an abutting street. He maintained that this tract is useless if it does not have right-turn access on both streets, 101st and Delaware. If the right of access is removed then the property is adversely affected. Mr. Norman disclosed that at the TAC meeting it was suggested that a continuous right-turn lane with a yield sign, where traffic does not have to stop for the light when turning the corner, would present a hazard to traffic egressing the property. He pointed out that similar designs exist at other intersections in town. Mr. Norman declared that he can find no case where access was completely denied as a result of the platting process. He asked that the Planning Commission approve or modify the access so the final plat can be prepared.

Mr. Linker informed that after reviewing the cases Mr. Norman referred to, he determined that most of the cases were situations that did not involve subdivision plats; the property owners already had access and the City was attempting to block access to a street. Mr.

Linker deemed that this situation is different because the applicant is submitting a plat to the Planning Commission for approval. He was of the opinion that the Planning Commission must determine if there is a good reason for denying access on one street as opposed to another street. Mr. Linker noted that in this case access would not be completely denied, but rather limited access to 101st Street rather than Delaware.

Interested Parties

Sam Alton

9800 South Delaware

Mr. Alton informed that as a property owner in the area, he perceives the ability to access his property from either direction is extremely important. He believes to deny access to any property is damaging, and if access is taken away, the owner should be compensated.

Roy Gann

10102 South Delaware 74137

Mr. Gann owns property at 101st and South Delaware and informed that he was present to protect his property rights. He stated that he is not opposed to development occurring here, but wanted clarification of street standards and designations. Mr. Gann declared that these terms make the system undiscernible for the citizenry. He informed that he gave right-of-way for a six-lane street and now the plan is to construct a four-lane street. Mr. Gann asked that the Planning Commission give fair and equal treatment for all property owners when requiring that they relinquish right-of-way. Mr. Gann wanted the legal classification for Delaware.

Staff and members of the Planning Commission attempted to address Mr. Gann's concerns.

Mr. Eshelman responded to questions from the Planning Commission, explaining that the reason for establishing limits of no access on the west side of the subject tract is to hold the parkway to higher standards of access control than other arterials in the City. He informed that this is a weaving section with right turn off 101st Street, which will experience heavy traffic movement.

Applicant's Rebuttal

Mr. Norman commented that this type of weaving situation exists at 71st and Memorial and other heavily traveled intersections. He declared that in this instance it is a design consideration that is creating part of this problem.

TMAPC Review

Mr. Boyle deems that access should be limited; however, he conceded that this application presents a unique situation because of its proximity of the expressway and the shape of the property. He stated that it seems the land use intended for this tract demands additional access.

Ms. Pace declared that this is a sensitive area and that property along the parkway needs to be considered parcel by parcel. She expressed support of waiving 8' of additional right-of-way but feels they should remain firm on denial of additional access.

Ms. Pace made a motion to approve the preliminary plat as recommended by TAC and approve the waiver of Subdivision Regulations of 8' of additional right-of-way on 101st Street South. Mr. Doherty seconded the motion.

There was lengthy discussion among the Planning Commission over whether to provide limits of no access.

Ms. Pace withdrew her motion.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Horner, Selph, Taylor "absent") to **WAIVE** Subdivision Regulations by deleting the requirement to dedicate an extra of 8' of right-of-way on East 101st Street South for a right hand turn lane.

TMAPC Action; 8 members present:

On **MOTION** of **PACE**, the TMAPC voted **5-3-0** (Carnes, Doherty, Gray, Ledford, Pace "aye"; Ballard, Boyle, Midget "nay"; none "abstaining"; Horner, Selph, Taylor "absent") to **DENY** Access onto the parkway from the west side of the tract per Staff recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Horner, Selph, Taylor "absent") to **APPROVE** the PRELIMINARY PLAT of River Creek Village subject to the remaining Staff conditions not covered by the previous actions.

Holland Center (PUD-500)(1083)

(PD-18)(CD-8)

Northeast corner of East 81st Street South and South Yale Avenue.

Jones presented the plat with Ted Sack in attendance at the TAC meeting.

French recommended that the westernmost access point on East 81st Street South be eliminated.

Sack noted that the plat included a replat of The Valley plat on the north end. Jones pointed out that the plat would be subject to Oklahoma Statutes 11 O.S. 42-106.

Miller requested additional easements on the south and west.

Pierce recommended a change in language to permit overhead poles on the north and east.

Holland Center is a two-lot commercial subdivision which contains 7.6 acres and is PUD-500.

Staff would offer the following comments and/or recommendations:

1. All conditions of PUD-500 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)

15. 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.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
20. This plat has been referred to Jenks and Bixby because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
21. 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.)
22. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **HOLLAND CENTER**, subject to all conditions listed above.

Ted Sack was present and indicated agreement with Staff recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to **APPROVE** the **PRELIMINARY PLAT** of Holland Center as recommended by Staff.

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Gilcrease Oaks (PUD-413-B)(392)

(PD-10)(CD-4)

Southeast corner of Gilcrease Museum Road and West Easton Street.

Jones presented the plat with several representatives from Tanner Engineering in attendance at the TAC meeting.

Miller recommended an additional 17.5' utility easement on 25th West Avenue.

Considerable discussion was given to the timing of the street closing and vacation. Jones stated he would check with the Legal Department again for input.

Somdecerrff recommended radius corners at the northeast and northwest corners of the plat.

Gilcrease Oaks is a 9.29-acre mixed-use development which contains a total of four lots. The TMAPC approved major amendment PUD-413-B which makes the property subject to the platting requirements.

Staff would offer the following comments and/or recommendations:

1. Since the development is a replat, the applicant should satisfy themselves that Oklahoma State Statutes 11 O.S. 42-106 has been met.
2. The street located in Lot 2 shall be properly vacated.
3. Several building lines on the face of the plat need to be corrected or added.
4. All conditions of PUD-413-B shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
5. 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.
6. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
7. 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).
8. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
11. Street names shall be approved by the Department of Public Works and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
14. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
15. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
16. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
17. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
18. Street lighting in this subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.

19. 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.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
24. This plat has been referred to Sand Springs because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.

- 25. 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.)
- 26. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **GILCREASE OAKS**, subject to all conditions listed above.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Selph, Taylor "absent") to **APPROVE** the **PRELIMINARY PLAT** of Gilcrease Oaks as recommended by Staff.

QuikTrip Commercial Center (294)

(PD-17)(CD-6)

Southeast corner of East Admiral Place & South 161st East Avenue.

Mr. Jones informed that the applicant has requested a continuance of this item in order to meet additional requirements Public Works is anticipated to impose.

After discussion the applicant selected May 24 as the date for continuance.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to **CONTINUE** the **PRELIMINARY PLAT** for QuikTrip Commercial Center to May 24, 1995.

PLAT WAIVER, SECTION 213:

PUD-411 (Unplatted)(2483)

(PD-26)(CD-8)

East of the southeast corner of East 98th Street South & South Memorial Drive.

This administrative plat review (not reviewed by the TAC) is to permit a 60' expansion of automobile storage on the east side of an existing one-lot subdivision. Based on the applicant's submitted site plan, Staff can see no benefit to the City in a subdivision plat. Staff would point out that the property is subject to a detail site plan review.

Staff recommends **APPROVAL** of the **PLAT WAIVER** for **PUD-411**, subject to the site plan submitted.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to **APPROVE** the **PLAT WAIVER** of the area of PUD 411 on the applicant's submitted site plan as recommended by Staff.

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FINAL APPROVAL AND RELEASE:

Gospel Assembly Church (2713)

(PD-15)(County)

Southeast corner of East 86th Street North & North Whirlpool Drive (North Yale Avenue).

Staff Comments

Mr. Jones informed that all release letters have been received and Staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to **APPROVE** the **FINAL PLAT** of Gospel Assembly Church and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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New Life Assembly of God (514)

(PD-15)(County)

South of the southeast corner of East 126th Street North & North Garnett Road.

Staff Comments

Mr. Jones informed that all release letters have been received and Staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to **APPROVE** the FINAL PLAT of New Life Assembly of God and **RELEASE** same as having met all conditions of approval as recommended by Staff.

WAIVER OF THE SUBDIVISION REGULATIONS:

Holley Heights (PUD-232-B)(2702)

(PD-11)(CD-1)

Northwest corner of East Pine Street North & North Union Avenue.

At the April 19, 1995 meeting, the TMAPC approved the final plat and release of the Holley Heights subdivision plat and denied a waiver of the Subdivision Regulations to permit a 50' building setback from existing oil wells. Since the last hearing, an additional oil well was discovered on the abutting property to the west that will have an impact on the residential lots. The applicant is now requesting a waiver of the building setback for the new well from 200' to 50' and to reconsider the denial for the well in Lot 36.

After research of similar waivers in the Gilcrease Hills additions, Staff found approximately 15 approvals to 150' and only one which reduced the setback to 50'. In addition, a check with FHA found a 150'-200' building setback from an unplugged (based on soil types, terrain and well pressure) and a 50' building setback from a properly plugged well.

Staff would recommend a waiver of the Subdivision Regulations dealing with the building setback from unplugged wells from 200' to 150'.

Applicant's Comments

John Moody, representative for the applicant, requested a building setback of 65' for the well on Lot 36. He informed that engineers were in attendance to present evidence that this well presents no threat to public safety because of the type of well it is. Mr. Moody revealed that there is an additional well to the west of the subdivision, but within 200' that will be a salt water disposal well, which is not subject to setback requirements since it is not an oil or gas extraction well. He is requesting a 125' setback for this well.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Horner, Selph, Taylor "absent") to **RECONSIDER** the previous action to deny **WAIVER OF SUBDIVISION REGULATIONS** concerning the oil well on Lot 36.

Mr. Midget noted that this item was initially approved by the Planning Commission and after a motion to reconsider was made later in the same meeting the request was then denied.

Applicant's Comments

Mr. Moody presented a history of the plat. He revealed that in October 1993, a preliminary plat depicting a 50' setback around this well was presented and approved. At the TAC meeting Mr. Sack informed that a request would be made to modify the 200' setback to 50'. With this approval final engineering was completed and arrangements were made for the acquisition of oil and gas wells in order to effectuate what is being proposed today. Mr. Moody requested a 65' setback for an existing oil well, located in a commercial portion of this addition and a 125' setback for the salt water well. He presented an exhibit depicting location of the subject wells. Mr. Moody presented a copy of the investigation report by Handy Waychoff and Associates, Inc., Petroleum Engineers and Consultants, reporting that the pressure of the subject wells is so low that they pose virtually no danger of a blow-out. He noted that as a condition of approval, the applicant will enclose the well with five-sided fencing as an added safety measure. Mr. Moody acknowledged that this well does vent a small amount of natural gas, which is normal, and as part of the project development the applicant will run a line off site so that gas will not be vented at the wellhead. Mr. Moody informed that electric motors would be used on the well so there will not be any noise creating a problem for the neighborhood. He disclosed that this well is located in Osage County with all mineral rights owned by the Osage tribe, making it impossible to shut down the well. Mr. Moody noted that there were waivers granted of building setback line for Gilcrease Hills Village II of 50' for two similar type oil wells.

Mr. Moody addressed Staff's concern of the risk associated with the oil wells, explaining that a well fire Staff referred to at a previous meeting was related to a gas well. He explained how the fire occurred and declared that it was not possible for such an incident to occur at this oil well.

Mr. Stump presented a map depicting an analysis of other subdivisions in the immediate area containing oil wells where the Planning Commission required 150' setbacks. Mr. Stump advised that Staff can support 150' setback because of precedent set in the area; however, he noted that open-air light manufacturing activities must be at least 300' from a residential district. He informed that light manufacturing is defined as not having significant odor, noise, vibration or dust created, and Staff equates an operating oil well with an industrial activity.

James Cooper

6839 East 106 Place

Responding to questions from the Planning Commission, Mr. Cooper described the natural gas collection system and informed that it will be located north of the addition.

Regarding FHA requirements for nonplugged wells, Mr. Moody informed that this is for drilling setback and the houses in this subdivision will not be financed by FHA. No other

restrictions were encountered. He disclosed that in Oklahoma City and other cities in the state, there are no requirements for setbacks from existing wells.

It was the consensus of the Planning Commission to ensure a full disclosure is made to every property owner/purchaser and that well and gas line locations be identified on the plat.

Handy Waychoff **4815 South Harvard Suite 525, Tulsa 74135**

Mr. Waychoff assured the Planning Commission that the amount of gas currently being vented is too small to measure. He declared that the low bottom hole pressure virtually eliminates the danger of any blow out. Mr. Waychoff answered questions regarding the impact on adjacent residents of servicing the well, noting that this would be approximately a six-to seven-hour process yearly. He answered questions from the Planning Commission regarding the possibility of the bottom hole pressure ever increasing.

TMAPC Review Session

There was lengthy discussion among the Planning Commission regarding safety and the impact on a residential area of the oil well.

Mr. Stump noted that the compatibility of land use is an issue to consider and that Staff considers an oil well to be akin to an industrial-type use. As such, it should have a significant separation from residential uses.

Regarding concern over full disclosure, Mr. Jones informed that the subdivision plat indicates a 200' building line setback around the well on the commercial tract and it will indicate lots within the 200' oil well setback line.

Mr. Boyle voiced concern over the safety of allowing residences where there may be children playing in the vicinity of the wells.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Horner, Selph, Taylor "absent") to **APPROVE** the **WAIVER OF THE SUBDIVISION REGULATION** for Holley Heights reducing the residential building setbacks to 65' for the existing oil well on Lot 36 and 125' for the salt water well west of the subdivision with the following conditions:

- (1) The oil well pumping system be driven by electric motors.
- (2) The oil well is to be fenced on five sides (all sides and top).
- (3) Sufficient notice be placed on the face of the plat regarding location of the oil wells.
- (4) Natural gas produced by the oil well to be vented off-site (outside the boundaries of the subdivision).

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-18038 Patricia Bales (W. Morris)(3284)</u> Northwest corner of E. 117th St. S. & S. 129th E. Ave.	(PD-19)(County) AG
<u>L-18041 Opal Holmes (D. Holmes)(2512)</u> West of S. Peoria Ave. on E. 86th St. N.	(PD-12)(County) AG
<u>L-18050 Arthur & Nancy Edmondson (B. Brown)(2523)</u> 14227 N. Memorial Dr.	(PD-14)(County) AG
<u>L-18059 Ruby Prince (City of Tulsa)(1282)</u> 7507 S. Elwood Ave.	(PD-8)(CD-2) AG
<u>L-18061 F.L. Swanson (894)</u> East of the northwest corner of E. 21st St. S. & S. 129th E. Ave.	(PD-17)(CD-6) CS
<u>L-18062 Chauncy & Blanche Vaughan (1903)</u> 1725 E. 32nd St. N.	(PD-2)(CD-3) RS-3
<u>L-18065 James Robinson, Trustee (W. Grimm)(???)</u> 4016 S. Yorktown Ave.	(PD-6)(CD-9) RS-1
<u>L-18066 Oakview Terrace Partnership (J. Levinson)(2093)</u> Northeast corner of E. 38th St. S. & S. Atlanta Pl.	(PD-6)(CD-9) RS-2


Staff Comments

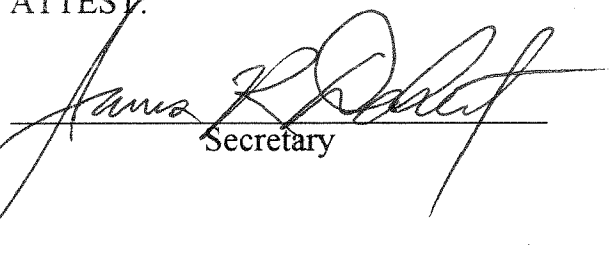
Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements. He noted that L-18066 involves a controversial 17' strip which is being reattached to the lots as discussed at a previous hearing for Oakview Terrace.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Selph, Taylor "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

There being no further business, the Chairman declared the meeting adjourned at 4:05 p.m.

Date Approved: 5/17/95

Chairman

ATTEST:

Secretary

