

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2606

Wednesday, July 20, 2011, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Perkins	Alberty	Boulden, Legal
Carnes	Stirling	Bates	Steele, Sr. Eng.
Dix		Fernandez	
Edwards		Huntsinger	
Leighty		Matthews	
Liotta		Sansone	
Midget			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 14, 2011 at 2:06 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 Leighty called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Leighty reported that Ms. Cantrell has agreed to step down from the Tulsa Preservation Commission to allow Mr. Leighty to serve as representative for the Planning Commission. This will allow Mr. Leighty to be sponsored by the City of Tulsa Planning Department to attend the Advance Preservation Leadership training at a six-day conference from August 6th to the 13th. Ms. Cantrell will resume her representation on the Preservation Commission beginning in September.

Mr. Leighty reported that he received news that Mr. Duane Cuthbertson, BOA Planner at INCOG, will be leaving Tulsa. He and his family have accepted an opportunity in another city and he will be missed. Mr. Leighty further reported that Mr. Cuthbertson was vital in developing the Form Based Code. Mr. Leighty wished Mr. Cuthbertson and his family the best in their endeavors.

Work Session Report:

Mr. Leighty reported that there will be a work session immediately following today's TMAPC regular meeting.

Director's Report:

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

Mr. Alberty reported that he would like to bring up an issue and discuss going to a second public hearing rather than having public hearings only on the 1st meeting of each month. The reason for this request is because staff is starting to see more activity and there are two reasons. Staff is getting backed up now and having two public hearings would allow the meeting on the 3rd Wednesday of each month to also take public hearing items. Currently, if an applicant misses the cutoff date and is on a short schedule, they have to wait a month before it would be before the Planning Commission. Mr. Alberty requested the Planning Commission to give staff the permission to have two public hearings per month, on the 1st and 3rd Wednesday of each month.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Alberty if he thought there would be a need for a third meeting strictly for the work sessions. In response, Mr. Alberty stated that at this juncture he doesn't believe so, but if it becomes the case a third meeting could be added to accommodate work sessions and training sessions.

Mr. Leighty stated that he supports the idea.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Perkins, Stirling "absent") to **APPROVE** and direct staff to prepare cutoff dates for the 3rd Wednesday of each month to allow for public hearings.

Minutes:

Approval of the minutes of July 6, 2011 Meeting No. 2605

On **MOTION** of **MIDGET**, the TMAPC voted 9-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Perkins, Stirling "absent") to **APPROVE** the minutes of the meeting of July 6, 2011, Meeting No. 2605.

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.

1. **LS-20445**, (Lot-Split) (CD-6) Location: Northwest corner of East Seminole Street and North 107th East Avenue
2. **LS-20446**, (Lot-Split) (County) Location: South of the southeast corner of East 66th Street North and North 134th East Avenue
3. **LS-20447**, (Lot-Split) (County) Location: South of the southwest corner of East 156th Street North and North Memorial Drive (related to Items 6 & 7)
4. **LS-20448**, (Lot-Split) (County) Location: South of the southwest corner of East 156th Street North and North Memorial Drive (related to Items 6 & 7)
5. **LC-348**, (Lot-Combination) (County) Location: South of the southwest corner of East 156th Street North and North Memorial Drive (related to Items 4 & 5)
6. **LC-349**, (Lot-Combination) (County) Location: South of the southwest corner of East 156th Street North and North Memorial Drive (related to Items 4 & 5)
7. **LS-20449**, (Lot-Split) (CD-9) Location: West of the northwest corner of South Utica Avenue and East 29th Street South (related to Item 9)
8. **LC-350**, (Lot-Combination) (CD-9) Location: West of the northwest corner of South Utica Avenue and East 29th Street South (related to Item 8)
9. **LS-20451**, (Lot-Split) (CD-9) Location: East of the southeast corner of South Florence Avenue and East 44th Place South
10. **LS-20452**, (Lot-Split) (CD-6) Location: North of the northeast corner of East 51st Street and South 177th Avenue East
11. **Amendment of Frenchmans' Creek Plat – PUD-596-3**, Location: South of East 116th Street South, west of South Sheridan Road

12. **AC-107 – Wallace Engineering/Jim Beach/KOTV, Channel 6**, Location: Northeast corner of North Boston Avenue and East Cameron Street, Requesting an **Alternative Compliance Landscape Plan** to allow the five required trees to be planted in the right-of-way and in exchange plant a total of 23 trees along the right-of-way of Cincinnati Avenue and Boston Avenue, CBD, (CD-1)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

ZONING CODE PUBLIC HEARINGS:

13. **Analyze and Recommend to the City Council Proposed Ordinance Amendments to the Zoning Code of the City of Tulsa Governing the use of Temporary Storage Buildings, Structures, Facilities and Uses in a Residentially Zoned Area.**

PUBLIC HEARINGS:

14. **Memorial Kingdom Hall –** Minor Subdivision Plat, Location: Northeast corner of East 21st Place South and South 129th East Avenue (9416) (CD 6)
15. **PUD-631-A – Tulsa Engineering and Planning/Tim Terral/Southern Ridge,** Location: East of the southeast corner 91st Street South and South Harvard Avenue, Requesting a **Minor Amendment (CD-8) (Minor Amendment is being withdrawn) (Refund requested)**

OTHER BUSINESS

16. **Commissioners' Comments**

ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all cell phones and paggers must be turned off during the Planning Commission.

Visit our website at www.tmapc.org

TMAPC Mission Statement: The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a

public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

* * * * *

Mr. Dix read the opening statement and rules of conduct for the TMAPC meeting.

MINUTES:

CONSENT AGENDA

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The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Perkins, Stirling "absent") to **APPROVE** Items 2 through 13 per staff recommendation.

ZONING CODE PUBLIC HEARINGS:

14. **Analyze and Recommend to the City Council Proposed Ordinance Amendments to the Zoning Code of the City of Tulsa Governing the use of Temporary Storage Buildings, Structures, Facilities and Uses in a Residentially Zoned Area.**

STAFF RECOMMENDATION:

SS. XXX TEMPORARY STORAGE UNITS, PORTABLE STORAGE UNITS AND DUMPSTERS.

Temporary storage units, portable storage units or dumpsters (hereinafter called "storage facilities") may be placed upon private property or City rights-of-way in accordance with the following limitations.

1. A permit or license for such placement must be obtained from *the Zoning Permit office* prior to the placement of any such storage facilities. The cost for such permit shall be established by XXXX. Such storage facilities must be placed upon private property unless some physical condition exists that would prohibit such placement in the yard or the driveway. If unable to be placed on private property, it may be placed on a City street directly in front of the property of the

permit holder. The permit or license shall be displayed prominently on the storage container.

2. All storage facilities must have reflective markings/tape/paint on them placed in such locations as to be visible to a motorist, bicyclist or pedestrian if the container is placed in public right-of-way.
3. A permit issued by the XXXX shall be valid for fourteen consecutive days from the date of issuance. The XXXX may grant an extension of up to seven (7) days upon the applicant's showing of good cause. Not more than two such extensions shall be permitted, not to exceed 28 days in any consecutive twelve (12) month period.
4. When issued in conjunction with a building permit, a storage facility permit or license may be issued by XXXX and be valid for ninety (90) days when there is active construction occurring and the storage facility is placed on private property. The XXXX may grant an extension of up to ninety (90) days upon the applicant's showing of good cause. Not more than two such extensions shall be permitted, for a maximum of 270 days in any consecutive 12 month period.
5. A permit or license issued by XXXX shall be valid for 180 days if issued in conjunction with a development plan (*do we want to say corridor site plan, PUD, final plat or anything else?*). The XXXX may grant extensions upon showing of good cause by the applicant and depending upon the scope of the project. However, should work on the project cease for more than 30 days, the XXXX may revoke the permit or license and require removal of the storage facility.
6. The storage facility may not be located in any manner that restricts or impedes visibility of motorists, bicyclists or pedestrians.
7. The storage facility may not be placed on any street where on-street parking is permitted or that has a pavement width of less than 18' measured from curb to curb or from the edge of the pavement to the edge of the pavement.
8. The storage facility shall be no wider than eight (8) feet nor placed in such a manner that restricts the remaining travel width of the street to less than ten (10) feet measured from the inside of the curb or edge of the pavement to the storage facility.
9. The storage facility must be associated with temporary storage or a project for the property of the permit holder; not more than one (1) storage facility shall be permitted or licensed at any one time.
10. The storage facility shall not be placed in such a manner as to damage any public improvements, including but not limited to the pavement, curb, gutter, grass, landscaping or tree located within the public right-of-way. If the storage facility or the equipment used to place or remove it causes any such damage, the applicant shall reimburse the City for the cost of repair.
11. Any storage facility that is placed in violation of this section or is not removed at the end of the time for which it is permitted or licensed by the City to remain in

place may be removed by the City at the applicant's expense, with prior notice of not less than 24 hours.

12. Only the business owner's information may appear on the storage container. No other advertising may be placed upon it.

TMAPC COMMENTS:

Mr. Leighty asked what the references with the "XXX" indicate. In response, Ms. Matthews stated that it is unknown which department in the City of Tulsa would administrate this.

Ms. Cantrell stated that she has two quick questions and one is that one of the requirements is that it can't be placed in a street where there is on-street parking permitted and her only hesitation is that it would prohibit containers in most residential neighborhoods. She asked if they don't have driveways that would be too much of a burden to be able to use these containers. Ms. Matthews stated that this would be a call that the Planning Commission and the City would need to make. The thinking behind not putting them on the streets where there is on-street parking is that if there is already on-street parking and a dumpster or pod is placed there it takes one parking space and obstructs traffic. Ms. Cantrell stated that this makes a lot of sense in commercial areas. Ms. Matthews stated that this is only referencing residential, the directive from the City Council was for residential areas.

Mr. Boulden stated that he has discussed this with Ms. Matthews and Ms. Matthews did the work on this. He suggested that with a lot of temporary uses that are present for a short time is difficult to enforce them through the Zoning Code. These guidelines that Ms. Matthews has collected could be a recommendation to the City Council for incorporation for some sort of permitting process through administrative means, and then the Zoning Code could be amended to prohibit locating the containers in the residential areas except where they are permitted. The administrative process in permitting could be enforced very quickly rather than going through the process...

Ms. Cantrell stated that she doesn't see anything in the draft that restricts them from being in the front yards as opposed to driveways and she is wondering if that is considered or something in the Zoning Code that already prohibits it. In response, Mr. Boulden stated that there is Section 210 in the Zoning Code that regulates the use of yards and what can be placed in yards. Mr. Boulden further stated that what he would anticipate is after a licensing scheme was in place with another portion of the City, perhaps go back to the Zoning Code and add another paragraph to Section 210 that would describe how these are prohibited, perhaps not just in the required yards, but in the residential yard. Ms. Cantrell stated that the reason she brought this up is if they do not have driveways and they can't put in the street then they will put in the yard. Ms. Cantrell further stated that she believes that needs to be thought through some more.

Mr. Midget expressed concerns about not being able to place a dumpster in the yard, especially if one is having a new roof replaced. Mr. Midget stated that he is also concerned about PODS not being allowed in the yard, he doesn't necessarily want to load his furniture in a pod that is located on the street. It may be safer to have the PODS in the yard while someone is remodeling and leave the driveway for the homeowner's use to park.

Mr. Carnes stated that if the containers are not allowed in the yard, then one would back a truck up in the yard to remove roofs, etc. He doesn't believe the containers should be prohibited from the yards when there is no other place to put it.

INTERESTED PARTIES COMMENTS:

Bob Hill, 11333 East Pine, 74116, stated that he is the owner of PODS of Tulsa. He stated that one out of 20 customers will not have a driveway to place containers. Other cities have allowed them on the rights-of-way. They have to have reflectors and have limited durations with permits. Mr. Hill explained that he doesn't like to have the containers in the yards because they sink into the ground. Most of the time the customers are using these to move and it is a convenience and it isn't too much different from having a U-Haul truck backed up into the driveway. Mr. Hill stated that the incident that brought this about is not the typical example of what happens. Within one week of the last meeting, the PODS was removed from the yard. Mr. Hill commented that he believes the time is more of the issue and not the placement.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Hill if he agrees with Mr. Boulden's suggestion of having this go through a permitting process rather than amending the Code. Mr. Hill stated that he owns PODS in Nashville and St. Louis and generally it is a time and permit issue and not necessarily a zoning issue. PODS Corporation has gone through expense and time to make sure that it isn't thought of as a zoning issue and only a permitting issue.

Mr. Liotta asked Mr. Hill if he had a chance to look at the staff recommendation. In response, Mr. Hill stated that he didn't and he doesn't understand the process in Tulsa. He submitted a Model Mobile Storage Ordinance (Exhibit A-1) as an example of how they are permitted and enforced in St. Louis. Mr. Hill commented that he didn't know he could request what was submitted by staff. Mr. Alberty gave Mr. Hill a copy of the staff recommendation.

Mr. Steele stated that his department is certainly prepared to handle those that are in regard to a building permit. (Inaudible)

Mr. Boulden stated that on further reflection, he believes it is more appropriate for a separate permitting process and not subject to all of the requirements in the Zoning Code, except as may be considered after a permit process is in place.

Mr. Boulden suggested continuing this matter to the next meeting to look at the submitted model code and delete Item 7 of the suggested language, then possibly submit this to the City Council for consideration for placing this in some other ordinance. Mr. Boulden stated that it is appropriate for the Planning Commission to send a Zoning Code amendment, but to send a licensing amendment, he thinks it is fine to give examples of what may be included in it and gets the City Council down the road.

In response to Mr. Dix, Mr. Midget stated that this would be handled in Development Services, because this would be an administrative function he would suggest that this hearing be continued to sharpen up this information so that the City Council would have something concrete to look at, then send all comments and suggestions to the City Council and the Mayor, since this will be an administrative effort.

Ms. Cantrell suggested that the Planning Commission also follow up with Zoning Code amendments to prohibit the absent permitting. Mr. Boulden agreed with Ms. Cantrell, but cautioned that it is premature at this time.

Mr. Liotta stated that he believes it would be easier for the company to pull the permits rather than the homeowner, and he would like to make that clear in the language.

Mr. Hill stated that in the City of St. Louis his company charges the customer for the permit and then he pays the city for that permit. The customer doesn't have to go to the Street Department to obtain the permit. His company keeps an account with the Street Department in advance monies. Mr. Hill explained that if the container is sitting in the driveway it doesn't require a permit in the three cities he is currently operating in. There may be an ordinance limiting the time, but he hasn't seen where there is a permit required in a driveway. Ms. Cantrell asked how, if it isn't a permitting requirement, it is enforced and who enforces it. Mr. Hill stated that if the City calls his company, they immediately look it up to see how long it has been in place and go get it if it has been too long. Mr. Hill stated that what has happened recently in Tulsa isn't the norm. Ms. Cantrell stated that her only concern would be what if it is a less reputable company and they don't keep good records. Mr. Hill explained that in St. Louis when a customer orders a container, he faxes a form that the City prepared to the Street Department and they fax back a copy of the permit. Sometimes there are low-hanging trees or wires that prevent the container from being placed in the driveway and usually that is not known until they arrive. The driver will call into the office and the office faxes to the Street Department for the permit at that time.

In response to Mr. Edwards, Mr. Steele stated that there are still some areas that need to be worked out in Development Services and with the people who do right-of-way licensing. There are a number of departments within the City that would be involved and they need to meet and resolve or work some kind of

arrangement that works for the City as well as the container companies. Mr. Steele stated that there is some confusion on jurisdiction and whether it would be on private property or in the easement, etc. The time is right for the City to have an internal meeting to discuss these matters and involve Council as well.

Mr. Alberty reminded the Planning Commission that they have been requested by the City Council to hold a public hearing to discuss the issue and that is what is being done. Now the Planning Commission has some ideas and some suggestions. Perhaps the final motion would include all of the issues that have been considered and the conclusion is that this is not a Zoning Code issue, but a permitting issue and put it back to the City Council. The Planning Commission can't direct Development Services to do anything.

Ms. Cantrell stated that Item 3 on the suggested language perhaps should have language added "...at any one location".

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Perkins, Stirling "absent") to **CONTINUE** this item to August 17, 2011.

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PUBLIC HEARING

15. **Memorial Kingdom Hall –** Minor Subdivision Plat, Location: Northeast corner of East 21st Place South and South 129th East Avenue (9416) (CD 6)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.77 acres.

The following issues were discussed July 7, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned CS (commercial shopping).
2. **Streets:** Show Limits of No Access along entire property line fronting 129th except for the points of access. Access points are to be limited to the width of the drive and are to be between 24 feet and 36 feet. Provide complete geometry for intersection curve. Include the 25 feet along 21st Place within site and then call out right-of-way dedication.
3. **Sewer:** No comments.

4. **Water:** No comments.
5. **Storm Drainage:** Add the stormwater detention easement to the face of plat, adjacent to the 17.5-foot utility easements in the southwest corner. If outlet pipes to the public drainage system are not in the platted utility easements or rights-of-way, then they must be placed in a storm sewer easement, with a minimum width of 15 feet. If offsite drainage flows onto the site from the north and /or east; then it is public drainage, which must be collected at the upstream property line, and then be conveyed across the platted area in a public storm sewer and/or overland drainageway inside their respective public easements. Please add the following to the end of the "flood plain designation" notes: "This plat lies outside of the City of Tulsa regulatory floodplain for tupelo creek." Add standard language for stormwater detention easements.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comments.
7. **Other: Fire:** A fire hydrant is required to be within 400 feet of any part of the structure as the hose lies in a non-sprinkled building and within 600 feet of any part of the structure in a sprinkled building.

GIS: Provide the CA number with renewal date for the engineer. Label all subdivisions within the mile section of the location map and clearly show and label the area being platted. Correct/clarify total number of acres. Add replat information. Add "Date of Preparation". Tie section corners correctly. Note benchmarks. Submit subdivision control data sheet. Describe right-of-way radius dedication. Correct legal description. The correct address for the site is 2131 South 129th Avenue East and 2141 South 129th Avenue East.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department and Development Services 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.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Perkins, Stirling "absent") to **APPROVE** the minor subdivision plat for Memorial Kingdom Hall, subject to special conditions and standard conditions per staff recommendation.

16. **PUD-631-A – Tulsa Engineering and Planning/Tim Terral/Southern Ridge.** Location: East of the southeast corner 91st Street South and South Harvard Avenue, Requesting a **Minor Amendment (CD-8) (Minor Amendment is being withdrawn) (Refund requested)**

STAFF RECOMMENDATION:

Mr. Alberty stated that this application is being withdrawn due to the relief not being necessary. There was some breakdown in communication and staff took an application that is not necessary. Staff is recommending a full refund in the amount of \$442.00.

Minor Amendment is withdrawn.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Perkins, Stirling "absent") to **APPROVE** the request for a refund in the amount of \$442.00 per staff recommendation.

OTHER BUSINESS:

Commissioners' Comments

None.

There being no further business, the Chair declared the meeting adjourned at 2:15 p.m.

Date Approved:

8-3-11

Paul J. Magley

Chairman

ATTEST:

[Signature]

Secretary