

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1380
Wednesday, October 21, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Freeman Gardner Holliday, Secretary Higgins Petty T. Young	Kempe Parmele C. Young Inhofe	Chisum Compton Gardner Wilmoth	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 9.9, City Hall, on Tuesday, the 20th day of October, 1981, at 10:15 a.m., as well as in the Reception Area of the INCOG Offices.

In the absence of the Chairman, 1st Vice-Chairman and 2nd Vice-Chairman, Secretary Holliday called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, Inhofe, "absent") to approve the Minutes of September 30, 1981 (No. 1377).

REPORTS:

Comprehensive Plan Committee Report:

Scott Petty, Chairman of the Comprehensive Plan Committee, reported that in the meeting of October 7, 1981, the Comprehensive Plan Committee voted to recommend to the Planning Commission adoption of the Park Plan with the exception that wherever the word "Policy" appears, the wording should be changed to "Policies/Suggested Development Priorities."

PUBLIC HEARING:

Public Hearing to Consider Amendment to the Park and Recreation Plan, a Part of the Official Comprehensive Plan for the Tulsa Metropolitan Area

Public Hearing on consideration of the Park Plan was opened. Petty explained that there was some discussion in the Comprehensive Plan Committee meeting concerning the word "policy." The Park and Recreation Board did not care for that word being used, because the word "policy" seemed too binding.

Dan Matthews, INCOG Staff, explained that the compromise in the motion to use "policy/suggested development priorities" was suggested to follow the precedent set in the other District Plans where the term "goals, objectives and policies" was used. The Park Board felt that the Plan would be difficult to amend. Hugh McKnight, representing the Park Board at the Comprehensive Plan Committee meeting, was assured that the Plan could be amended. The compromise was the phrase suggested in the motion.

Public Hearing to Consider Amendment to the Park & Recreation Plan: (continued)

The Plan presented to the Board is the culmination of 5 years of intensive work to develop a plan for what began as Tulsa County and City of Tulsa and was expanded to a three-county, multi-community area. The Park Department approached TMAPC about 5-years ago to develop this Plan. In 1978, a Park User's survey was taken to identify particular attitudes of users and non-users, identify needs, prevailing tastes and trends. This survey was used as the frame of reference used for an inventory analysis that was completed in 1979 for Tulsa City-County and has been used extensively for the Phase II, the actual adopted Plan. The actual Phase II part began a year ago in November of 1980 and the Plan was expanded into three counties with the merger of TMAPC and INCOG. This became a joint venture with the City Development Department. The amount of citizen input, in Dane's opinion, is unprecedented. Several volunteer committees were formed.

This Plan follows the same format as the District Plan. The parts to be adopted are the goals, objectives and policies (or suggested development priorities). The basis for the Plan, the reasoning behind some of the policies and objectives or suggestions for plan implementation, are outlined in the back of the Plan.

Rita Henze, Project Manager for the Park Plan, discussed the purpose, the scope and the process followed in putting together the Park Plan. This will serve as a guide for the Park Department to administer maintenance, upgrading, acquisition and development of parks through the year 2000 and should provide a rational method for decision-making for Park Department officials and elected officials. This Plan covers the City and County of Tulsa, Osage County and Creek County. It ranges from the years 1980 to 2000 with 5-year immediate needs and 15-year long-range needs. The City was divided into 13 sectors. Outside the City, they looked at the individual communities in the counties. Visits were made to approximately 90% of the existing parks and standards and guidelines were established for the park improvements in conjunction with the Park Department staff by analyzing the deficiencies with cooperation from the volunteer citizen's groups.

There is continued support for Riverparks development and a need for increased security at all the parks. More intergovernmental cooperation is desired between all the park jurisdictions. Finally, there are City-wide deficiencies in all sorts of facilities.

The cost provided by the City of Tulsa would be approximately \$74 million. \$25 million of this funding would go to the continued implementation of the Master Park Plan for Mohawk Park. The remainder would be used for community and neighborhood parks. There is a need to extend Riverparks so that a continuous greenway exists from Keystone to the Wagoner County line. Alternative methods of financing should be explored instead of out-right, fee simple purchase, which might be too expensive. A possible new planning effort should be done in conjunction with the changes that have been made due to the low-water dam. Approximately \$27 million will be needed for Riverparks, in addition to \$9.5 million for additional facilities. This latter figure includes the low-water dam. Future efforts should be focused on improving and expanding existing recreational opportunities, rather than acquisition of new property. For example: The remaining open area at LaFortune should be developed as passive recreation. The estimated cost of this would be between \$5 to \$10 million.

The Staff recommended four strategies for financing these improvements: An intergovernmental approach (state funds and taxes); public-private approach: fees and charges; and/or bonds.

Public Hearing to Consider Amendment to the Park and Recreation Plan: (continued)

Hugh McKnight, Director of the City of Tulsa Park and Recreation Department, represented the Park and Recreation Board as its secretary. The Board directed Mr. McKnight to convey their general support of this plan; however, the Board has a problem with the suggested projects as listed on a sector by sector basis being referred to as policies. The primary concern is that the alternatives have not been considered at this time, and that the word "policy" is a fairly ironclad statement for a method of operation. In view of the fact that some of these projects are questionable in nature from the standpoint of priorities, costs and feasibility, the Park Board feels it would be a mistake to find the Park Board, the Planning Commission and the City Commission in referring to these projects as "policies." Some projects are specific in detail, which may change. The Staff commented earlier that these are only suggested projects and the Park Board feels it is important to call them "suggested development priorities" without the word "policy" used.

Petty asked if there would be a need to address the issue of the word "policy" versus "suggested development priorities" if a resolution is requested by the Planning Commission at the close of this hearing.

Mr. Gardner replied that it is normal procedure to request the Staff to prepare the Plan in resolution form to be adopted. If there are any changes to be made to the Plan, it will have to be done now.

T. Young agreed with Hugh McKnight concerning the word "policy". It would be the responsibility of the respective policy-making boards to adopt portions of this Plan as "policy" within their jurisdiction and did not think it would be in the Planning Commission's best interest to have the Plan in conflict with the Boards that would be carrying it out as policy in the future.

Petty could not understand why the wording was such an issue and could support either wording. He was concerned about the funding source, but thought the Plan was good. Holliday did not think it would affect the Plan, if the word "policy" was stricken and the phrase "suggested development priorities" substituted.

Hugh McKnight commented that in the City's Capital Improvements process, the requests are scrutinized by the Planning Commission to assure that the projects are in conformance with the Comprehensive Plan. If these projects are listed as policy within the Plan and other projects that could have a higher priority are not listed, it would be difficult to get funding.

Dane Matthews responded to Hugh McKnight's comments by stating that she has been on the reviewing side of Capital Improvement requests. What he is stating is true, but general goals are also considered along with specific projects. The intent and changes in conditions of the various plans are considered.

Mr. John Wheat, 5238 South Marion Avenue, was concerned that a quarter of the money estimated will be spent in one of the least populated areas and will be used to acquire prime agricultural land.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, Inhofe, "absent") that this public hearing be closed and the Staff be directed to prepare a resolution for

Public Hearing to Consider Amendment to the Park and Recreation Plan: (continued)

adoption of the Plan with the word "policy" being changed to read "suggested development priorities."

SUBDIVISIONS:

River Grove (Resub.) (783) South side of 75th Street, West of Trenton Avenue
(RM-2)

Sketch Plat:

The Staff noted that this same property was included in a request to waive the platting requirement under Z-5598. The T.A.C. was concerned about the alignment of the future Riverside Expressway, which would show that approximately half of this tract falls within the "take-line". No definite plans, plot plans, etc., were presented and the T.A.C. felt that better control of processing could be accomplished through the platting procedures rather than the waiver procedures. The Planning Commission agreed with the T.A.C. and denied the request to waive plat on September 2, 1981. The sketch plat submitted for this review shows no more than the platted lots of record. No buildings, plans, or other information was submitted. The Staff realizes that the developer will not be expected to dedicate future expressway right-of-way. However, the future extension of Riverside Drive as an arterial street could be a definite possibility. If some definitive plans for the property had been submitted, the Staff and T.A.C. would have more information to consider. Since there are no plans, then the only thing to suggest is that some land be reserved for extension of Riverside Drive. (Alignment would be subject to City/Traffic Engineering Departments.) Since the plat as submitted does not meet the Subdivision Regulations the developer will want it considered by the Planning Commission. (Normally sketch plats are not reviewed by the Commission unless requested to do so by the developer when there is a waiver involved. It appears that the only issue at this time is the expressway right-of-way. This should be resolved at this stage before proceeding with any further processing.

John Moody, in discussion with the T.A.C. agreed that the question of right-of-way should be resolved at the Planning Commission meeting before proceeding.

The Technical Advisory Committee and Staff recommended APPROVAL of the Sketch Replat of River Grove Addition, subject to the following conditions:

- (a) Discussion by the Planning Commission regarding the proposed Riverside Expressway, or possible extension of Riverside Drive as an arterial street.
- (b) Drainage plans (to Arkansas River), or detention.
- (c) Easements and utility line extensions as needed.

Applicant's Comments:

John Moody represented the applicant, Perrault Properties, the purchasers of the property. However, the contract to purchase the land is contingent on this issue so that the property can be developed. Mr. Teal purchased the property in 1948 and would like to retire because of poor health and the sale of this land would enable him to do that. The proposed Riverside Expressway would take part of his property. The exact amount of land is undetermined at this point, but will be from 35% to 50% of the property.

River Grove (Resub.) (continued)

That amount of land taken for the expressway would make it prohibitive to develop for apartment use as intended by Perrault Properties. Moody wanted to make the point clear that they have not come to the Planning Commission asking to voluntarily plat or subdivide this property in order to gain economic benefit. The property is platted, he does not want to plat it and has no intention of subdividing and selling lots to the public. The Zoning Code requires owners to replat property that has been rezoned. Both the Planning Commission and the City Commission determined that an AG classification was not suitable for this property and rezoned it for apartments. He feels this provision was put in the Zoning Code to get people to plat the property so that the City could acquire right-of-way that otherwise would have to be bought under eminent domain. Mr. Teal is unable to sell his property for an undefined period of time for something that has been proposed since approximately the late 1950's. The entire tract contains less than 5 acres. No one can tell the property owner what to do except this Commission. A waiver of the platting requirement was requested and denied on September 2, 1981. In this instance, Mr. Moody can see nothing gained by imposing the right-of-way on this parcel. If the City feels they need it at this time, the Constitution says they should pay people for their property when it is taken for a public use. The courts have ruled that it is not really a "taking" when you require dedication of streets in a subdivision for the use and benefit of that subdivision where the developer is selling lots to the public and thereby receiving an economical gain, and where the subdivision plat was submitted voluntarily by the property owner. However, Riverside Expressway would be a limited access expressway and the property would not have direct access to it. The Expressway is not used in the interior of the tract. He is asking that either the sketch plat be approved as submitted without the Riverside Expressway right-of-way; or, if this is approved, he would request again that the platting requirement be waived. If the right-of-way is not required, there is no reason for the plat. The other conditions made by the T.A.C. could be complied with.

Petty asked Mr. Gardner to discuss the meeting of September 2 when the Planning Commission denied the request to waive the plat. He thought the Commission had discussed the problem of the land being developed, making it more valuable, and then the City would have to buy the land to acquire right-of-way at a higher price.

Mr. Gardner replied that the land is going to have some inflated value based on the surrounding property and zoning pattern. The Major Street and Highway Plan shows Riverside as an expressway. If it were shown only as a major street, the Planning Commission could require dedication, but would be dealing with 100 feet of right-of-way instead of 300 feet. There is not going to be an amendment to the Major Street and Highway Plan for some time. He does not see it as an easy solution. His recommendation to the Planning Commission would be to treat it, as far as a subdivision plat, as though the expressway does not exist on any map and approve it. When the City gets to the point of deciding whether it is to be an expressway or an extension of Riverside Drive, it will be up to them. Until that decision is made, it is a Catch-22 situation. Mr. Gardner suggests the Commission recommend approval of the sketch plat waiving the Subdivision Regulations requiring conformance with the Major Street and Highway Plan. If the developer can build it, then let the development occur until the problem can be resolved.

River Grove (Resub.)(continued)

Alan Jackere commented that the Legal Department was asked a similar question several years ago and in 1974 the first legal opinion came down on the requirement of dedication pursuant to a subdivision plat. He will not address the problem of voluntary or involuntary submission of a plat. The opinion at that time covered a specific case and stated that dedication could not be required unless the dedication was reasonably related to the traffic that would be generated by the subdivision and was needed for the subdivision. He did not feel he could comment on this case because he has not had a chance to look at it, but the general rule is that the City may not hold up development on a tract for potential freeway that has no time limit. He would be glad to take an in-depth look at the sketch plat and prepare a legal opinion, if the Board requests it.

Mr. Gardner thought that the Board could still protect the possibility of the extension of Riverside all the way to 81st by merely requiring the building line to be at least 100 feet.

Petty asked the builder how this 100' building setback would affect his plans for building. Mr. Perrault, the developer, advised that the contract expiration date originally was October 15, 1981, but obtained an extension from Mr. Teal to November 15, 1981. No lending agencies will finance the project with the arbitrary line across the map. He has no objection to putting parking on the proposed right-of-way, but he would not have any parking for the apartments when the City does decide to take the land. Mr. Teal is the one that is damaged in this case, because Mr. Perrault does not have to exercise his contract. If the City wants to buy, they should buy it now while it is for sale. He does not want to spend the engineering fees to see if the buildings could be set back 100 feet. His purchase price was based on using the entire piece of land. He probably would not exercise his option to buy if the recommendation was for a 100-foot building setback.

Higgins thought a legal opinion was in order on this decision.

Freeman agreed with Mr. Gardner that the right of imminent domain without buying the land is unfair to the property owner. The City will be the one to decide the time limits.

On MOTION of FREEMAN, the Planning Commission voted 5-1-0 (Eller, Freeman, Holliday, Higgins, Petty, "aye"; Gardner, "nay"; no "abstentions"; Kempe, Parmele, C. Young, Inhofe, "absent") to approve this sketch plat per Staff recommendations, subject to the deletion of provision (a) of the T.A.C. conditions and APPROVAL of items (b) and (c) thereof.

FOR PRELIMINARY APPROVAL:

Hunters Run (PUD #265) (683) 67th Street and South Troost Avenue (RM-T, RS-3)

The Staff presented the plat with the applicant represented by Attorney Bob Nichol.

This plat had a final approval and was released. However, it never was filed of record and expired. A PUD has been filed to permit zero lot-line housing so the plat has been resubmitted showing smaller lots. There is no change in the street pattern.

Hunters Run (PUD #265) (continued)

PUD Text requires 18' front building line. The plat shows 10'. Also include other PUD details in covenants. (Parking, eave hangover, etc.)

The T.A.C. had no objections or further comments and indicated the previous letters submitted for release would apply to this plat also.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary and Final Plat of Hunters Run Addition, subject to meeting the PUD requirements.

Mr. Wilmoth advised that the RM-T zoning requires a 10-foot building line and the RS-3 requires a 25-foot building line. The PUD Text said 18 feet and the applicant's attorney has discussed a compromise of the footage.

Mr. Gardner stated the Staff had no objection to showing a 15-foot building line, provided that any garages be set back the additional 3 feet, rather than putting them on the 15-foot building line. This would get any size automobile off the right-of-way and onto the property. By the time the PUD gets to the City Commission, the Staff would make this an additional condition. Mr. Wilmoth commented that this could be made a part of the covenants without any problem. The T.A.C. could recommend a final approval and release, since all letters have been received.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") for final approval and release of the subject plat, subject to the following condition:

1. All conditions of PUD #265 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 Sections 1100-1170 of the Zoning Code, in the covenants.

Corporate Oaks Addition (PUD #246) (383) NW corner of 71st Street and South Granite Avenue

The applicant was not present.

The Staff noted that this plat has a sketch plat approval, subject to conditions. A copy of the Minutes of February 12, 1981, was provided with Staff comments as applicable. The applicant is advised that the covenants should include usage of Lot 6.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Corporate Oaks Addition, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the preliminary plat for Corporate Oaks Addition, subject to the following conditions:

1. All conditions of PUD #246 shall be met prior to release of the final plat, including any applicable provisions in the covenants, or on the face of the plat.

Corporate Oaks Addition (continued)

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 should be tied to, or related to property and/or lot lines.
3. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
4. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
6. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
7. Street names shall be approved by City Engineer. Show on plat as required.
8. All curve data shall be shown on final plat where applicable. (Including corner radii)
9. Show "Limits-of-no-Access" on 71st Street. (Traffic Engineer)
10. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before the plat is released. (A building line shall be shown on the plat on any wells not officially plugged.)
11. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
12. All Subdivision Regulations shall be met prior to release of final plat.

Baystone Addition (3193) South side of East 58th Street, at Quincy Ave. (RM-2)

The Staff presented the plat and noted that it has already had a final approval and been released. All letters of approval have been received. There has been a change in the lot arrangement since the owner has decided to remove the existing house and utilize the land for new construction. Otherwise, there are no changes. This was listed as a "revised preliminary" when sent out to the T.A.C. on September 22, 1981, but there was no objections from the T.A.C., or the Staff to the release of this plat as submitted, subject to:

- (a) Omit or modify Paragraph #4 in the covenants.. (Reference to the Zoning Code is incorrect.) and,
- (b) show a reference to Quincy Avenue or Peoria Avenue on the face of the plat.

Baystone Addition (continued)

The Technical Advisory Committee and Staff recommended APPROVAL of the revised Preliminary and Final Plat of Baystone Addition, as submitted.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the revised preliminary and final plat and release of Baystone Addition, as recommended by the Staff.

Executive Center Addition (983) SW corner of 71st Street and South Yale Ave.
(OM)

The Staff presented the plat with the applicant not represented. Mr. Wilmoth advised he had talked to Hammond Engineering and they had no objections.

This plat has been previously processed as "71st and Yale Center."

The Technical Advisory Committee and Staff recommended APPROVAL of the preliminary plat of Executive Center Addition, subject to the conditions.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the preliminary plat for Executive Center Addition, subject to the following conditions:

1. Omit time limit clause from covenants. (Not applicable; no private restrictions.) Add Access Relinquishment paragraph. Show "1 Lot, 6.521 acres" on the face of the plat near location map. Show 71st Place in dashed lines on east side of Yale Avenue.
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 should be tied to, or related to property and/or lot lines.
3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Previous review indicated protection of existing water and sewer lines under fill by previous owners will be required.) (Lines should be located.)
4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (See provision with #3 above.)
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer, if required; including on-site storm water detention.
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.

Executive Center Addition (continued)

8. Access points shall be approved by City and/or Traffic Engineer. (No left turns from this property.)
9. 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.
10. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
11. All Subdivision Regulations shall be met prior to release of final plat.

Hilton Addition (3503) NW corner of Memorial Drive and Easton Avenue (CS)

The Staff presented the plat with the applicant not present.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Hilton Addition, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the preliminary plat for Hilton Addition, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
2. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Include language in covenants relating to water and sewer.)
3. Show a lot and block number.
4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer, (if needed for drainage?)
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.
8. Access points shall be approved by City and/or Traffic Engineer.

Hilton Addition (continued)

9. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
10. All Subdivision Regulations shall be met prior to release of final plat.

Rim Rock Estates (2090) West 41st Street and Rim Rock Road (AG-R)

Tower Estates (29, 30, & 3290) West 51st Street and South 257th West Avenue
(AG-R) (AG)

The Chair, without objection, tabled the above items.

Warrenton West Addition (383) 66th Street and South Darlington Avenue (RS-3)

Mr. Wilmoth advised that all necessary letters of release had been received and that the Staff recommends approval.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the final plat and release of Warrenton West Addition.

Blackwell-Crockett (3293) NE corner of 57th Street and South Lewis Avenue (OL)

Cedarcrest Park Addition (1783) NE corner of 90th Street and South Delaware Ave.
(RM-T)

The Chair, without objection, tabled the above items.

Fountain Square (893) 17th Street and South Lewis Avenue (RM-T)

Mr. Wilmoth advised that the plat has been completed, all letters have been received and recommends release.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the final plat and release of Fountain Square Addition.

Lexington Green (683) West side of South Lewis, between 61st & 66th St's. (CS)

The Chair, without objection, tabled the above item.

Oak Haven Addition (3191) West 58th Place and South 165th West Avenue (RS)

Mr. Wilmoth advised this plat was presented to the Commission in the meeting of October 7, 1981. The First Phase is completed, the letters concerning this Phase have been received and recommended for release.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the final plat and release of Oak Haven Addition.

Pecan Place (683) SW corner of 61st Street and Zunis Avenue (OM)

Mr. Wilmoth recommended the release of this plat.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the final plat and release of Pecan Place Addition.

Cooley Lake Mobile Home Addition (594, 3204) East Admiral Place and 120th East Avenue (RMH)

Mr. Wilmoth recommended the release of this plat.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Holliday, Higgins, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the final plat and release of Cooley Lake Mobile Home Addition.

WAIVER OF PLATS:

Z-5564 D. K. Reed (1393) SW corner of East 22nd Place and East Skelly Drive (OL)

The Chair, without objection, tabled the above item.

Z-5624 Richard Stinson (3602) 1133 East Haskell Street (RM-1 to IL)

This is a request to waive plat on Lots 43 and 44, Block 4, Frisco Addition, since the property is already platted. There were no objections or requirements.

The Technical Advisory Committee and Staff recommended APPROVAL of the waiver of plat on Z-5624.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the waiver of plat for Z-5624.

Z-5630 Ray Conard (3603) NE corner of North Memorial Drive and Easton Street (RS-3 to IL)

This is a request to waive plat on Lots 11-16 inclusive, Block 1, Mingo Heights Addition, since it is already platted. The property contains a former school building now used as a Union Hall. (Plat requirement on Lot 17 was waived under Z-5612 on September 2, 1981.)

In discussion, some members of the T.A.C. advised that an application to vacate some of the easements on the existing plat was being processed. The Water and Sewer Department indicated they needed to make sure the existing sewer line along the north side of the plat was covered by an easement. They recommended a 17½' easement along the north property line. There was no objection to the waiver of plat, subject to the utilities obtaining or retaining any necessary easements.

The Technical Advisory Committee and Staff recommended APPROVAL of the waiver of plat on Z-5630, subject to the conditions.

Z-5630 (continued)

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve the waiver of plat for Z-5630, subject to the following conditions:

- (a) A 17½' utility easement along the north for existing sewer, and
- (b) approval of utilities regarding vacation of some easements. (Another application through different agencies, not directly part of this plat waiver application.)

REQUEST TO CHANGE ACCESS:

Caven Wood, Block 2 (183) South side of 61st Street, East of Memorial Drive
(CS, OM)

Mr. Wilmoth advised that this is a request to move an access point east about 41 feet. The old access is to be vacated so no additional accesses are being created. The Traffic Engineering Department has approved the request. The Staff recommended that the Planning Commission concur.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve this request to change access in Caven Wood Addition.

LOT-SPLITS:

For Ratification of Prior Approval:

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve ratification of prior approval for the following:

L-15323	The General Corp.	(2283)
L-15321	Bess A. Lacy, et al	(983)
L-15306	Gerald Snow	(193)

LOT-SPLIT FOR WAIVER:

L-15307 Robert L. Jones (3093) West of South Yorktown Avenue, North side of
East 48th Street South (RS-1)

This is a request to split an additional lot from a tract already approved in 1965, on Lot-Split #10950. When that split was processed, the decision was made to NOT require right-of-way on 48th Street, since a concrete block wall exists on the property line of the development to the south. An easement was obtained for utilities across the south side of the tract. This split will modify the previous one and create a middle lot, which meets the zoning area, but will only have 12½' of frontage at the dead-end of 48th Street. It will require Board of Adjustment approval.

Ted Sack, engineer, advised the T.A.C. that a sewer main extension was in progress. The Water and Sewer Department advised that a water line extension would also be required, and an easement along the south side of the split if one did not exist.

L-15307 (continued)

Oklahoma Natural Gas advised caution in digging in the area, since they have a 12" gas line in the vicinity. The City Engineer advised that the builder on these tracts needed to exercise caution and minimize the impact of any grading and/or drainage on adjacent properties.

The Technical Advisory Committee and Staff recommended APPROVAL of L-15307, subject to the following conditions.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve L-15307, subject to the following conditions:

- (a) Board of Adjustment approval of frontage, and
- (b) utility easement along south property line if not already existing.

Request for Change in Plan of District 24 on 66th Street North from Peoria to Highway #75 East to allow Commercial Zoning if Desired

Mr. Gardner advised that a request has been received from District 24 for the Planning Commission to consider an amendment to the Comprehensive Plan for that District. Since the Commission was provided copies of the request, Mr. Gardner did not go into detail. In addition to the request, signatures were provided of those in support of the proposal. Most of the supporters were on 66th Street or 68th Street. There have been some District Plan meetings to discuss this. The majority of the lots between Peoria and Lewis Avenues, on 66th Street are businesses, either home occupation or nonconforming uses. The Staff recommendation is to field check the area and come back before the Commission with a report.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to request the Staff to make a field check of the area and report back, possibly by November 4, 1981.

PUD #112 Riddle - Lot 4, Block 1, Burningtree Addition

A letter was presented (Exhibit "A-1") from Riddle & Associates requesting a minor amendment to PUD #112. This request was made in conjunction with a pending lot-split and will allow two single-family dwellings in Area "E", which has been dedicated for duplex use.

The applicant is requesting a minor amendment for the subject property to be split. This action would allow the applicant to sell both sides of an existing duplex as individual residences.

The Staff views this as a minor amendment and would recommend APPROVAL.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Petty, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, C. Young, T. Young, Inhofe, "absent") to approve a lot-split under PUD #112 - Lot 4, Block 1, Burningtree Addition.

Discussion of Downzoning 5-foot strip on the West side of 85th West Avenue adjoining former PUD #90.

Mr. Gardner advised this matter came before the Board of Adjustment on a former Community Development project and a former PUD north of Oertles. Over the years, the Planning Commission and the City Commission has approved rezoning that takes the property out of the controls of the PUD. When the property was originally developed, the controls of the PUD said there had to be a screening fence between the apartment complex and the single-family development to the east. The applicant went to the Board for interpretation and the Board determined that the rezoning that had occurred had taken the screening fence out of any jurisdiction. The Building Inspector did not require a screening fence when the project was first built. The question at this time is if the Planning Commission intended by the rezoning to do away with the previous controls and requirements that should have been enforced. The only way to require it at this time would be for the Planning Commission to file an application on a motion to downzone a strip of land on the east boundary of approximately 5 feet back to a single-family classification. The screening fence would then be required where the property abuts the parking lot and is zoned single-family. He brought this back to the Commission to see if anything could be done. The residents would like for the screening fence to be built. The Ordinance states if the distance to the single-family residences is more than 50 feet, a fence is not required. In this case, there is a street that is 50 feet, so the fence is not required.

Commissioner Freeman stated that the request did not meet the criteria adopted by the TMAPC for downzoning and we would not want to call a public hearing on the matter.

There being no further business, the Chair adjourned the meeting at 3:30 p.m.

Date Approved November 18, 1981


Chairman

ATTEST:


Secretary

