

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1472
Wednesday, September 7, 1983, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom Draughon Flick Hinkle, Secretary Kempe, Chairman Petty, 2nd Vice- Chairman Woodard	Higgins C. Young T. Young Inhofe	Compton Gardner Lasker Martin Wilmoth	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on September 6, 1983, at 11:30 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Kempe called the meeting to order at 1:50 p.m.

MINUTES:

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the minutes of August 24, 1983 (No. 1470).

ZONING PUBLIC HEARING:

PUBLIC HEARING FOR PROPOSED AMENDMENTS TO TITLE 42, SECTION 850.3; SECTION 1170.3; SECTION 1221.5 (d) (5); SECTION 1610; TULSA REVISED ORDINANCES (TULSA ZONING CODE).

Chairman Kempe opened the public hearing.

Mr. Gardner advised the Commission previously approved amendments to the Tulsa Zoning Code in August and the remaining proposed amendments were continued to this hearing to allow for additional public hearing.

It was advised that Section 850.3 and Section 1170.3 specifically deal with notice. The Staff recommended language be inserted that notice is required to be given to property owners within 300 feet of the subject property. The Staff presently practices that requirement, but the language was omitted from the Zoning Code in both sections. Charles Norman had suggested that additional clarity be added and the Legal Department has reviewed that matter. It was suggested that the Planning Commission could require additional notice if an applicant owned the 300-foot radius surrounding his own property. Mr. Gardner also stated it was Mr. Norman's suggestion that the additional language be included in all sections, but not all are advertised at this time. The Staff advised the additional language could be inserted in all sections when the Zoning Code is revised at a later date.

Mr. Linker, Legal Counsel, was in agreement that language should be added, but felt it should be added throughout the Zoning Code if it is adopted.

SECTION 850.3 Public Hearing and Planning Commission Action

SECTION 1170.3 Public Hearing and Planning Commission Action

Chairman Kempe read the portion of Sections 850.3 and 1170.3 as proposed for amending. Mr. Gardner advised the proposed additional language requiring 20 days notice of a public hearing and a 300-foot radius notice to surrounding property owners is a state law and the Staff does practice that procedure. The language was merely omitted from the Zoning Code.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye": no "nays"; no "abstentions": Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to close Public Hearing and to approve the additional language to Sections 850.3 and 1170.3 of the Zoning Code to read as follows:

"...general circulation, twenty (20) days notice of a public hearing by mailing written notice to all owners of property within a three-hundred (300) foot radius of the exterior of the boundary of the property and twenty (20) days notice of public hearing by posting a sign or signs on the property. (See Section 1730.3 for contents of notice.)..."

SECTION 1610 POWERS OF THE BOARD

Mr. Gardner recommended the proposed change which is inserting one of the powers of the Board, granting of special exceptions. This insertion was omitted from the last Zoning Code revision. Mr. Gardner suggested that

Public Hearing for Proposed Amendments to Title 42: (continued)

that the approval be conditioned that proper advertisement was made.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to close the Public Hearing and to insert the phrase "and to grant special exceptions" to Section 1610, subject to proper advertisement for the public hearing.

SECTION 1221.5 (d) (4 & 5) CS District Use Conditions

Mr. Gardner advised these two items deal with use unit regulations for signs and outdoor advertising in a CS District which is the most restrictive commercial classification. The Staff recommended that items 4 and 5 be deleted because there are no sign limitations included in those provisions. He proceeded to read the two matters and explained why they should be omitted.

Chairman Kempe inquired if action could be taken on this section because item #4 was omitted from the agenda. Legal Counsel Linker advised this Commission does not have the authority to act on that portion because it was not properly advertised.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to close the Public Hearing and continue consideration of Section 1221.5 (d) (4 & 5) until September 14, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

FOR PRELIMINARY APPROVAL:

65th West Avenue Mobile Home Park Addition (892) West 11th Place and
South 65th West Avenue (RMH)

Mr. Wilmoth recommended that this item be tabled because it has been continued twice and the developer has suggested that a different concept be used.

The Chair, without objection, tabled this item.

C-Bar-C Ranch 2nd Addition (2690) South 203rd West Avenue, South of
Coyote Trail (RMH, RE)

The Staff presented the plat with the applicant represented by Lynn Calton.

(This is the second stage of an overall development plan.)

The Technical Advisory Committee and Staff recommended approval of the PRELIMINARY PLAT of C-BAR-C Ranch Second Addition, subject to the conditions:

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the Preliminary Plat of C-BAR-C Ranch 2nd Addition, subject to the following conditions:

1. Show tie dimension to Coyote Trail and show "C-Bar-C Ranch Amended" in dashed lines for reference.
2. Omit references to "No Access" provisions in the Covenants, since this does not abut an arterial street.
3. Covenants indicate land is restricted to mobile home dwellings. Note that only the northerly-half of Lot 5 is zoned RMH which permits a mobile home by right. All the rest of the plat is zoned RE which requires Board of Adjustment approval for mobile homes. Building lines on the plat should reflect the zoning requirements. (Minimum in the RE District is a 35-foot front setback, 25-foot rear yard, and 15-foot side yards on each side.) If mobile home approval is requested the plat cannot be released until Board of Adjustment is obtained.
4. 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.
5. Water plans shall be approved by the Sand Springs Water Department prior to release of the final plat.
6. Paving and/or drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and Earth

C-Bar-C Ranch 2nd Addition (continued)

Change Permit where applicable), subject to criteria approved by the County Commission.

7. Street names shall be approved by the County Engineer. Show on the plat as required.
8. All curve data shall be shown on the final plat where applicable. (including corner radii.)
9. It is recommended that the developer coordinate with the County Engineering Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for release of the plat.)
10. 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.
11. 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.
12. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. (Perc. tests required prior to preliminary approval.)
13. The method of water supply and plans therefore, shall be approved by the City-County Health Department.
14. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
15. 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.)
16. A "letter of assurance" regarding installation of improvements shall be submitted prior to the release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
17. All Subdivision Regulations shall be met prior to release of the final plat.

Sperry State Bank (1312) East side of Highway #11, at Atoka, Oklahoma (CS)

The Staff presented the plat with the applicant represented by Stan Ewing.

This plat is being processed as a "County Plat" since it has not been annexed to Sperry. Sperry City Limits completely surround this area and it will eventually be annexed.

The Technical Advisory Committee and Staff recommended approval of the PRELIMINARY Plat of Sperry State Bank, subject to the conditions:

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the Preliminary Plat of Sperry State Bank, subject to the following conditions:

1. Omit notation (on final plat) "preliminary and conditional final plat" under title block. Show a 50' building line parallel to State Highway #11; identify and show on face of the plat the Sperry City Limits; and show State Highway #11 on the location map and identify same.
2. Show access point on State Highway #11 and include access limitation language in covenants. (Location of access is subject to approval of the County Engineer and State Highway Department if required.)
3. Include additional language in covenants regarding septic systems, if not on sewer, and detailed information required by utilities if service is underground (optional).
4. 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.
5. Water plans shall be approved by the Water and Sewer Department of Sperry prior to the release of the final plat.
6. Paving and/or drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the County Commission.
7. 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.
8. It is recommended that the applicant and/or his engineer and 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.
9. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. (Perc. tests required prior to preliminary approval.

Sperry State Bank (continued)

10. The owner or owners 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 the restrictive covenants.)
11. The method of water supply and plans therefore, shall be approved by the City-County Health Department.
12. A Corporation Commission letter (or Certificate on 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.)
13. This plat has been referred to Sperry 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 herein shall apply.
14. 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.)
15. All Subdivision Regulations shall be met prior to release of the final plat.

Woodside Village I Addition (PUD #306) (2093) SE corner of 91st Street and
South College Place (RM-2, RM-1)

The Staff presented the plat with the applicant represented by Ted Sack and Bill Jones.

This is the first phase of an overall development plan approved on PUD #306 and as a revised sketch plat on April 6, 1983, under the name of "Sycamore Meadows" -- the name has been changed and the project engineer has changed, but it is the same development. It has been divided into three separate preliminary plats at this stage since phase I is not affected by any proposed expressway right-of-way, whereas, the other two phases are within expressway right-of-way as shown on the Major Street Plan. (After two reviews by the T.A.C., the overall sketch plan was taken to the Planning Commission for discussion of the expressway right-of-way problem, and the plan was eventually approved by the Planning Commission with a waiver of the Subdivision Regulations requiring conformance with the Major Street Plan. Although the overall sketch plat of this area was approved April 6, 1983, further study by the Planning Commission on the development of land along the Riverside, Mingo Valley and Creek Expressway alignment resulted in a policy that the proposed freeway would need to be shown on the face of the plat and not just on the location map. The Staff was advised that this would apply to all plats working along this right-of-way alignment. (Planning Commission Meeting of April 27, 1983) Further discussion of this matter is scheduled for the Planning Commission Meeting on August 31, 1983.

Since the right-of-way alignment does not affect this first phase, the following requirements are made for the preliminary plat.

(The applicant was also urged to file his applications for detail site plan review and minor amendments to the PUD. The Plat cannot be released

Woodside Village I Addition (PUD #306) (continued)

without these approvals or modifications.)

The Technical Advisory Committee and Staff recommended approval of the PRELIMINARY Plat of Woodside Village I Addition, subject to the conditions:

Mr. Wilmoth advised this first phase is completely outside any of the expressway right-of-way. The drainage channel is under construction and the plat has access to 91st Street. Therefore, the Staff would recommend approval of the first phase. Mr. Wilmoth stated there was some question as to condition #6 which requires that the proposed expressway be shown on the location map.

Chairman Kempe advised this item is still a subject of continued public hearing and until a resolution evolves from the public hearing the policy is to show the expressway right-of-ways on the plat.

Ted Sack, Engineer, was present and presented the site plan.

William Jones, Attorney, stated he was aware that the decision of public hearing concerning proposed expressway right-of-ways on subdivision plats was still pending. He expressed his objection to condition #6 of Woodside Village I. A zoning and PUD were approved on the subject property in January 1983, as requested by the applicant without delineating the proposed Creek Freeway on the face of the subdivision map. The City Commission then approved the request as presented.

On April 6, 1983, the Planning Commission approved the sketch plat and waived the Subdivision Regulations requiring delineation of the Major Street Plan. The minutes reflect that later in the meeting there was discussion to indicate proposed expressway right-of-ways on subdivision plats which the applicant was not aware. The applicant proceeded to dedicate sewer lines, water lines, and make contracts to have streets and the creek channel improvements made, and has dedicated right-of-way for a 6-lane highway on 91st Street and dedicated Delaware, a collector street. The applicant has spent millions of dollars on the project and is in objection to showing the proposed expressway on the location map on this phase. The applicant proceeded on the assumption that the Master Street Plan requirements for this subdivision were waived.

Mr. Linker advised the Legal Department has taken the position when an individual plats his property he is put on notice that changes can be made until final plat approval. Mr. Wilmoth advised that the applicant dedicated by separate instrument the creek channel and some of the street alignment to proceed with their dirt work. One of the conditions of the PUD was to make the creek alignment, which is under construction now. Mr. Linker advised normally one does not have the dedications until final plat approval is granted. There is still a waiver of the Major Street and Highway Plan as far as not requiring any dedication for that expressway.

It was advised that showing proposed expressway on location maps has always been the practice of the Staff, but showing the proposal with dashed lines across the face of the plat is a new procedure.

Chairman Kempe advised the purpose of the public hearing is whether to amend the Subdivision Regulations. The present Subdivision Regulations

Woodside Village I Addition (PUD #306) (continued)

do call for the rights-of-way to be shown on the plat.

Mr. Gardner advised when the Planning Commission waives the requirement for dedication of an expressway right-of-way it is still on the Major Street and Highway Plan and it can be built in accordance with the plan although a plat may be filed of record not indicating as such.

Mr. Beckstrom questioned the Commission's alternatives concerning this matter and Mr. Gardner pointed out the various actions available to the Commission members. Mr. Wilmoth advised he would have no objection to the Commission approving the matters for preliminary approval with the conditions of Mr. Jones' comments on restriction #6 of Woodside Village I and #1 on Woodside Village II because the file and sequence can be retained. There is still a possibility of change since this is just a preliminary approval and it would not stop the process of working on the plat.

Discussion ensued whether to approve the matter subject to the conditions with Mr. Jones' objections duly noted, to continue the matter, or strike the item.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the Preliminary Plat of Woodside Village I Addition, subject to the conditions, with Mr. Jones' objections duly noted:

1. All conditions of PUD #306 shall be met prior to release of the 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.
 - (a) PUD conditions require bulk and area standards for the RM-0 District in this Development Area "A". Building line shown on 91st Street is 20 feet, whereas 35 feet is required by the RM-0 and PUD text. (Minor amendment would be necessary.)
 - (b) Include PUD number on the face of the plat.
 - (c) Include language for access limitations on 91st Street.
2. The lot numbering system is keyed to the dwelling unit with the carport or garage bearing the same number followed by the letter "A". Clearly dimension or reference on the face of the plat information needed to plot the exact location of each lot within the block. Also dimension and clearly define the mutual access and/or utility easements.
3. Show a reference dimension to South College Avenue and/or 1/2 section corner.
4. Covenants: (Should meet all PUD conditions, including references to building lines, etc.);
 - (a) include Cable TV in utility grant, and
 - (b) include language for drainageway as directed by the City Engineer.
5. The utility easements shall meet the approval of utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required.

Woodside Village I Addition (PUD #306) (continued)

6. Show proposed expressway on location map on this phase, since it does not affect the actual area included within the proposed preliminary plat.
7. Define the differences, if any, between the cross-hatched area and "Lot 83", the mutual access easement.
8. Show full dedication on South College Place, giving Book and Page of recording. Also show Book and Page numbers on drainage channel.
9. Driveway at the NE corner of Tennis Club is to be closed as per previous agreement between the developers and the Traffic Engineering Department.
10. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
11. 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).
12. 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.
13. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (Check - PFPI #9) (?)
14. 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. (100-year floor to Arkansas River) (Show Book and Page numbers on existing storm sewers.)
15. It is recommended that the developer coordinate with the Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for release of the plat.)
16. 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.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. 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.)
19. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents

Woodside Village I Addition (PUD #306) (continued)

required under Section 3.6 (5) of the Subdivision Regulations.)

20. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Woodside Village II Addition (PUD #306) (2093) 93rd Street and South Florence Avenue (RS-3)

The Staff presented the plat with the applicant represented by Mike Taylor.

This is the 2nd phase of any overall development plan approved on PUD #306 and as a revised sketch plat on April 6, 1983, under the name of "Sycamore Meadows". The name has been changed and the project engineer has changed, but it is the same development. It has been divided into three separate preliminary plats at this stage since phase I is not affected by any proposed expressway right-of-way, whereas the other two phases are within expressway right-of-way as shown on the Major Street Plan. (After two reviews by the T.A.C., the overall sketch plan was taken to the Planning Commission for discussion of the expressway right-of-way problem, and the plan was eventually approved by the Planning Commission with a waiver of the Subdivision Regulations requiring conformance with the Major Street Plan. Although the overall Sketch plat of this area was approved April 6, 1983, further study by the Planning Commission on the development of land along the Riverside, Mingo Valley and Creek Expressway alignment resulted in a policy that the proposed freeway would need to be shown on the face of the plat and not just on the location map. The Staff was advised that this would apply to all plats working along this right-of-way alignment. (Planning Commission Meeting April 27, 1983) Further discussion of this matter is scheduled for the Planning Commission Meeting on August 31, 1983.

Since the right-of-way alignment does affect this 2nd phase, the listed requirements are made for the preliminary plat.

(The applicant was urged to file his applications for detail site plan approval and minor amendments to the P.U.D. The plat cannot be released without these approvals or modifications.)

The Technical Advisory Committee and Staff recommended approval of the PRELIMINARY Plat of Woodside Village II Addition, subject to the conditions:

William Jones was present and expressed his objections to condition #1 of Woodside Village II and reiterated the same concerns as was discussed concerning Woodside Village I.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the Preliminary Plat for Woodside Village II Addition, with Mr. Jones' objections duly noted and subject to the following conditions:

1. Show the proposed expressway on the face of the plat by a dashed line with the following notation:

Woodside Village II Addition (PUD #306) (continued)

"Approximate right-of-way lines for future expressway. This is not a dedication, but is shown for information purposes only. (Subdivision Regulations 3.6g and p)"

Also show the expressway on the location map. This requirement is in accordance with the policy established by the Planning Commission on April 27, 1983.

2. All conditions of PUD #306 shall be met prior to release of the 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.
 - (a) PUD conditions require bulk and area standards for the RS-3 District in this Development Area "C". Building lines are not shown and lot sizes do not meet RS-3 requirements. (Minor amendment may be necessary.)
 - (b) Show PUD number on the face of the plat.
3. Identify the interior streets by name as shown, followed by "private". Indicate limits-of-no-access for the backs of those lots between College Place and Florence Avenue if all access is from the interior private street. (Also identify the interior private streets as "Reserve A" to match the language in the restrictive covenants.)
4. Covenants should include language for drainageways as directed by the City Engineer. All PUD conditions should also be included, with references to building lines that correspond with those approved in the PUD.
5. Omit the individual access easements along the side lot lines and include provisions in covenants. (They might be confused with utility easements.) (Identify easement area along south part of the plat and assign lot or reserve numbers.)
6. The utility easements shall meet the approval of utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Show width of landscape easement and roadway easement. Provide adequate room for utilities. Provide "handles" for those lots not abutting the private street system.
7. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
8. 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).
9. 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.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (Check - PFPI #91) (?) (Show

Woodside Village II Addition (PUD #306) (continued)

existing storm sewer easements and identify, including Book and Page and dedications.)

11. 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. (100-year flood to Arkansas River) (Identify drainageway and show Book and Page on the plat.)
12. It is recommended that the developer coordinate with the Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for release of the plat.) (Street names subject to approval of the City Engineer.)
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. All lots, streets, building lines, easements, etc., shall be completely dimensioned. (Show all curve data on private streets also.)
15. 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.)
16. 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.)
17. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Woodside Village III Addition (PUD #306) (2093) 9300 Block of South College Pl.
(RM-2, RS-3)

Since the right-of-way alignment does affect this 3rd phase, and the T.A.C. had not seen a plot plan before, they had no time for review. It was noted however, that many buildings were over the required building setback and on possible easement locations. Due to numerous changes or corrections required, the T.A.C. felt it would be premature to approve a preliminary plat. It was agreed to TABLE the plat for further study and site plan review.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to continue consideration of preliminary plat for Woodside Village III Addition until September 21, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

FINAL APPROVAL AND RELEASE:

Gemo Addition (894) East side of South 120th East Avenue, South of East
11th Street (CS, RS-2)

The Staff advised the Commission that all approval letters had been received and final approval and release were recommended.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty and Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the final plat of Gemo Addition and release same as having met all conditions of approval.

REQUEST TO WAIVE PLAT:

Z-5853 (Union Gardens) (684) 10226 East 61st Street (IL)

This is a request to waive plat on the north 300' of Lot 4, Block 1 of Union Gardens. The applicant has indicated that the additional 10' dedication will be made to conform with the Major Street Plan on 61st Street. The Staff sees no objection to the request, subject to the right-of-way dedication, access agreement on 61st Street if required by the Traffic Engineer, and grading plan approval through the permit process. Additional utility easements may also be needed. (The Staff notes that this lot is 143.25' wide, whereas the IL zoning requires 150'. For the record, the plat was filed long before the minimum frontage requirement was in effect. The Building Inspection's office may require Board of Adjustment approval or waiver if they interpret the Zoning Ordinance differently.) At this time the applicant proposes to use the building as is, with no changes.

The applicant was represented by Tom Tannehill.

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on Z-5853, subject to the conditions:

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the request to waive the platting requirements for Z-5853, subject to the following conditions:

- (a) Dedication of 10' on 61st Street to meet the Major Street Plan,
- (b) grading and drainage plans through permit process if any is done,
- (c) access agreement, and
- (d) 11' utility easements on east and west sides.

EXTENSION OF APPROVAL:

The Woodlands (783) South side of East 75th Street, West of Trenton Ave.
(RM-2)

The Staff received a request from the developer of this addition requesting an extension of time. The Staff has no objection to an extension of one year.

The Woodlands Addition (continued)

On MOTION of HINKLE, the Planning Commission voted 6-0-1 (Beckstrom, Flick, Hinkle, Kempe, Petty, Woodard, "aye" no "nays"; Draughon "abstaining"; Higgins, C. Young, T. Young, Inhofe, "absent") to approve a one-year extension for the plat of The Woodlands Addition.

LOT SPLITS:

For Ratification of Prior Approval:

L-15944 (283) Eugene Brumble	L-15958 (2283) Joe Duca
15925 (1082) Bill Tims	15962 (794) Hines/Tulsa Ind., Ltd.
15946 (1483) Harold Burlingame	15959 (2502) T.U.R.A.
15949 (193) Martha Lemley	15960 (3602) T.U.R.A.
15948 (894) Bill Kirk	15961 (3602) T.U.R.A.
15950 (193) Martha Lemley	15954 (192) John Suess/Ron Viner

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, C. Young, T. Young, Inhofe, "absent") that the approved lot splits listed above be ratified.

L-15923 Stacy and Tracy Stevenson (2674) East of Highway #64 and 161st
East Avenue (AG)

The Health Department expressed some doubt that percolation tests would be satisfactory for the smaller lots.

Mr. Wilmoth advised he had talked with the applicant prior to the meeting, who is working with the Health Department for a satisfactory arrangement, and suggested that the item be tabled at this time.

The Chair, without objection, tabled this item.

L-15924 Ascension Lutheran Church (2993) East of the SE corner of 47th
Place South and Lewis Avenue (RS-1)

This is a request to split a 1.74 acre tract into four tracts. The rear two lots have 15' of lot width on East 47th Place South. This will require a variance by the Board of Adjustment. The rest of the bulk and area requirements have been met. The Staff recommends approval, subject to the Board of Adjustment because the lots to be created are compatible with the immediate area.

There are five other flag lots of similar size and design in the immediate neighborhood.

The City Engineer advised there is a storm drain across the north-west lot that should be kept clear. (SS-61-54-17) O.N.G. advised that they had a line near the south property line on their right-of-way. Caution is required in working around the line. General utility easements will be needed running north and south.

The Technical Advisory Committee and Staff recommended approval of L-15924, subject to the conditions.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no

L-15924 (continued)

"abstentions"; Higgins, C. Young, T. Young, Inhofe, "absent") to approve the request to waive the Subdivision Regulations regarding frontage for L-15924, subject to the following conditions:

- (a) Board of Adjustment approval,
- (b) grading and drainage plans through the permit process,
- (c) sewer main extension, and
- (d) north-south utility easements parallel to both sides of lot.

L-15926 Bill Tims (3582) West side of South Maybelle, North of 121st Street (AG-R)

The Staff recommended denial of the requested lot split because the percolation tests failed on the subject property.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, C. Young, T. Young, Inhofe, "absent") to DENY L-15926 as recommended by the Staff.

L-15915 John Phillips (1292) NE corner of 21st Street and The Missouri-Pacific Railroad (R-2)

Request to split an irregular shaped 1.3 acre tract into two lots. The first having 100' of frontage on 21st Street, the second having 15' of frontage on 21st Street and 50' of frontage on East 19th St. The applicant is requesting a waiver of the required street dedication of 60' (30' additional) on 21st Street.

The T.A.C., being consistent with previous recommendations on the Major Street Plan could not support a waiver of the Plan. However, due to the proximity of the existing buildings at Lee School and the closeness to 21st Street, the applicant is asking the Planning Commission to waive the Subdivision Regulations requiring conformance with the Major Street Plan. (The Commission waived these requirements across the street on a plat due to the location of buildings on that side of the street.) There was no objection to proposed and/or existing uses.

The applicant was not represented at the T.A.C. meeting, but had furnished information showing how close all the existing buildings were to the property line. Many buildings in the area encroach on the Major Street Plan setback. There was no specific recommendation for approval, since only the waiver of the Major Street Plan was involved in this split. The applicant is seeking waiver from the Planning Commission.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, C. Young, T. Young, Inhofe, "absent") to approve the request to waive the Subdivision Regulations requiring conformance with the Major Street Plan.

This is a request to split two half-acre tracts into 3 lots each for a total of 6 lots. A previous split (L-15929) was approved since it met all the zoning requirements and the applicant was to extend sewer and provide the additional 8' of dedication needed to bring 48th Street up to a total width of 50'. The same applicants have filed these two splits and they are to be two separate ownerships. The Staff would rather see a plat and there might be some question of how many splits are being created under one ownership. (Statutes allow four per owner.) However, if the applicant can provide all the requirements for utilities and services, the split would meet the intent of the Subdivision Regulations. The Board of Adjustment approval will be required because the lots in the back have only 5.78' of actual frontage each, but will contain the necessary 6,900 square feet or more for the RS-3 District. The "handles on each lot together will contain approximately 23 feet plus utility easements to total 33 feet of the area for a driveway for four houses.

In discussion, the T.A.C. concluded that the requirements could be accomplished better by a plat, due to the various easements and access agreements required.

The Technical Advisory Committee and Staff recommended a plat be submitted on L-15937 and L-15938. (In the event a plat is not required by the Planning Commission the listed requirements will apply whether it is plat- ted or not.)

Mr. Stacy was present and stated when he purchased the subject property he then proceeded with the recommended legal channels of the Staff. Since that time the Hydrology Department contacted Mr. Stacy informing him he needed storm water storage or pay a fee in lieu thereof. Mr. Stacy has a drainage plan, sewer main extensions and has spent approximately \$70,000 on the property.

Mr. Wilmoth advised the Commission this request is not subject to a plat under any zoning because the subject property has been zoned under the RS-3 zoning classification for many years.

The Commission asked if they were being asked to approve the waiver of lot split or the plat. Mr. Wilmoth answered in the negative and explained that the requirements will be the same whether by lot split or plat. The only difference is that a plat would have it graphically shown on one piece of paper and a lot split would have additional easements by separate instrument.

Mr. Gardner advised under the Statutes the property would require a subdivision plat which the applicant is requesting to be waived. The Commission must find something unique so the Commission will not establish a precedent, so another individual could divide their land into 6 lots without going through the subdivision process. According to the definition, four lots are permitted, therefore a hardship needs to be established. If a hardship or unique circumstance is not stated the Commission should require the plat.

Mr. Stacy explained that he has followed the recommendations set forth concerning the platting process. He informed the Commission of all the costs expended on the project so far.

L-15937 and L-15938 (continued)

Chairman Kempe asked if any construction has been done other than remodeling of the existing house on the tract and Mr. Stacy answered in the negative. Mr. Stacy added that he has met all of the requirements if the property were platted, but there is a little more paper work involved.

Mr. Wilmoth felt the applicant had done his part in attempting to fulfill the requirements.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, C. Young, T. Young, Inhofe, "absent") to approve the request to waive the Subdivision Regulations requiring conformance with the zoning requirements for L-15937 and L-15938, subject to the following conditions:

- (a) Sewer main extensions are required by Water and Sewer Department,
- (b) Board of Adjustment approval of frontage,
- (c) perimeter utility easements, and
- (d) grading and drainage plans in permit process, including on-site detention, or fee in lieu thereof.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5864
Applicant: Tannehill (Fail)
Location: 64th Street and Mingo Road

Present Zoning: AG
Proposed Zoning: CO

Date of Application: June 30, 1983
Date of Hearing: September 7, 1983
Size of Tract: 3.7 acres

Presentation to TMAPC by: Tom Tannehill
Address: 1516 South Yorktown Place

Phone: 749-4694

Relationship to the Comprehensive Plan: Z-5864

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CO District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 3.7 acres in size and located 1/4 mile south of the southwest corner of 61st Street and South Mingo Road. It is partially wooded, flat, contains one structure and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north and east by large lot single-family zoned AG and RS-3 and on the south and west by apartments under construction zoned RM-1 and PUD.

Zoning and BOA Historical Summary -- Past zoning actions have allowed Corridor zoning on large tracts east of Mingo Road and low intensity districts to the west of Mingo Road.

Conclusion -- As identified in the Development Guidelines and the Comprehensive Plan any tract considered for Corridor zoning shall be located within an area that is surrounded on three sides by arterial streets and on the fourth side by an existing or planned expressway. In addition, the distance between the expressway and adjacent paralleling arterial street shall be not more than 3,000 feet. The theory behind the Corridor District requirements is that the arterial streets can provide ready access to the expressway system for high intensity planned development. The subject tract is adjacent to the Corridor District, but does not meet the requirements of the district. The tract is within an area that merits consideration for buffer or transitional zoning in the same manner that we buffer the higher intensity node from the interior subdistricts, but is not appropriate for medium or high intensity consideration. Either OL or RM-1 zoning would be appropriate for the area if properly advertised.

Therefore, given the fact that the requested CO zoning is not in accordance with the Comprehensive Plan and it does not meet the Development Guidelines requirements for the Corridor District, the Staff recommends denial of the requested CO zoning.

Applicant's Comments:

Mr. Tannehill represented the purchaser of the property, Mr. Never M. Fail, Jr. Beginning his presentation, Mr. Tannehill submitted photographs showing some of the physical facts existent on the property (Exhibit "A-1"). It was also advised the property on 62nd Street and Mingo Road was approved for CO zoning for a soccer facility by the Planning Commission. Mr. Tannehill felt OL or RM-1 zoning as recommended by the Staff would not be appropriate based on the existing physical facts surrounding the subject property because the land to the north of the tract consists of many greenhouse facilities and immediately east of the subject property is an auto body shop and auto body garage.

Mr. Tannehill pointed out the potential traffic increase if a transitional zoning such as OL and RM-1 zoning were applied for and approved.

The applicant proposes to construct a mini-warehouse facility containing 114 rooms which are 10' x 20' in size with the total warehouse facility containing 34,200 square feet of floor area. Mr. Tannehill stated he had been advised by Mr. Gilmore that the project would generate approximately 20 cars per day as opposed to approximately 500 automobiles if a transitional zoning were approved.

Mr. Hart has identified a flood problem existent on the subject property and Mr. Fail proposes to construct a 66" water line to be buried 8' deep which would run the length of the property and would work with the Gleneagles detention facility to help alleviate the flood problem in the whole area. The water retention facility planned for the project would be located on the easternmost section of the mini-warehouse facility.

Mr. Tannehill also advised he had talked with the adjoining property owners of the proposed warehouse facility who were very supportive of the project.

Charles Hart of McGlaughlin Engineers addressed the drainage concerns of Mr. Draughon. He advised when the Gleneagles detention facility was constructed it was oversized to recognize all undeveloped tracts south of 61st Street in the surrounding area. The City floodplain regulations also require a developer to provide an equal area of flood storage on a piece of property as it existed in its natural state.

Mr. Gardner did not feel the proposed zoning was appropriate on the subject property and advised that the applicant could develop property at the intersection of 61st Street as a mini-storage facility as a matter of right. It was also advised that the question of drainage has to be addressed whether the property is developed as a warehouse facility or for apartments. The Staff feels the tract should be used as a buffer or transition for the surrounding property. Mr. Gardner advised that not all pieces of property could be developed for the best and highest use under the Comprehensive Plan at any given point, but can be at another given time. The question which the Commission must consider is what criteria will be used in determining if the tract would be appropriate for Corridor use.

Z-5864 (continued)

Protestants: None.

Instruments Submitted: Six Photographs showing the surrounding land use. (Exhibit "A-1")
Newspaper article on a Soccer Facility (Exh. "A-2")

TMAPC Action: 7 members present.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Flick, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, C. Young, T. Young, Inhofe, "absent") to DENY the request for CO zoning on the following described property:

The East 693' of the North 231' of the S/2 of the NE/4 of Section 1, Township 18 North, Range 13 East of the I.B.M., Tulsa County, Oklahoma.

Application No. 5855 and PUD #334 Present Zoning: RS-3
Applicant: Norman (St. Andrews Presbyterian Church) Proposed Zoning: RM-0
Location: South and East of East 36th Street and South Yale Avenue

Date of Application: June 6, 1983
Date of Hearing: September 7, 1983
Size of Tract: 6.36 acres

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building - 74103 Phone: 583-7571

Relationship to the Comprehensive Plan: Z-5855

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RM-0 District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 6.36 acres in size and located south and east of the southeast corner of 36th Street and South Yale Avenue. It is non-wooded, gently sloping, vacant and zoned RS-2.

Surrounding Area Analysis -- The tract is abutted on the north by a church, Highland Park, and single-family dwellings zoned RS-2, on the east and south by single-family neighborhoods zoned RS-2 and RS-3, on the west by a single-family neighborhood and a church zoned RS-3.

Zoning and BOA Historical Summary -- Past zoning actions have established the immediate area as low intensity residential. Past Board of Adjustment actions have approved 2 churches and a savings and loan at the intersection of 36th Street and Yale Avenue.

Conclusion -- The subject tract falls within a subdistrict as determined by the District 6 Comprehensive Plan Map and defined by the Development Guidelines. The RM-0 District may be considered an appropriate zoning classification in the subdistrict under two conditions:

- (1) To provide a transition or buffer district from a medium or high intensity use; or
- (2) where the physical facts, existing zoning and land use would merit such consideration.

The Staff feels that the subject tract does not meet either of these conditions. It is not adjacent to a medium or high intensity district or use, nor supportable by surrounding land uses and zoning patterns. The tract is surrounded by existing RS-2 and RS-3 zoning.

However, the Legal Notice allows the Commission to consider the advertised district, or any lesser intense residential district. Since the tract is zoned RS-2, consideration should be given to the appropriateness of RS-3, RD and RM-T. The tract is surrounded by existing RS-2 and RS-3 zoning making it obvious that, at a minimum, RS-3 would be

Z-5855 (continued)

appropriate on this tract; but consideration should also be given to both RM-T and RD.

The Code defines RM-T as "...design to permit the development of attached single-family townhouse dwellings, on separate lots, which are designed expressly for separate ownership, in suitable residential environments at a higher density than conventional detached single-family dwellings". It also defines RD as, "...design to permit a more intense yet compatible use of tracts in or near single-family residential and other neighborhoods which, because of size, topography, or adjacent land use are not ideally suited for single-family use".

The Staff does not feel this tract given its size, shape and location is best suited for typical single-family development, at this time. It fronts onto a primary arterial street, is located adjacent to a church at heavily traveled intersection, and the intersection as developed over the years contains 2 churches and a savings and loan banking facility through the Board of Adjustment. Based on the land use relationships the tract is ideally situated for a development at a higher density than conventional detached single-family dwellings.

For these reasons, the Staff can support RM-T on the northwestern portion of the tract where there is direct frontage onto Yale Avenue; however, we feel that the eastern portion is actually an interior tract with frontage only onto a residential collector street (36th Street). We feel that approval of RM-T on the total tract would influence the possibility of additional RM-T zoning north of the tract fronting onto 36th Street. We can support RD, however, on the eastern portion of the subject tract and as a transition along the southern portion.

Therefore, the Staff recommends DENIAL of RM-O and APPROVAL of RM-T, less and except the east 105 feet and the south 100 feet which we recommend APPROVAL of RD zoning.

Staff Recommendation - PUD #334

The subject tract is located at the southeast corner of 36th Street and South Yale Avenue. It is approximately 6.36 acres in size and the applicant is requesting PUD supplemental zoning to allow an individually owned townhouse project.

The applicant's initial request was for RM-O underlying zoning and a PUD to allow 84 dwelling units. The Staff reviewed that submission and identified the following areas of concern:

1. Density,
2. livability space,
3. access,
4. panhandle design,
5. pool and cabana location, and
6. length of structure.

Based upon that initial plan, the Staff could not support the proposed PUD and requested that the applicant re-evaluate his proposal. The applicant was willing to follow through with this process and submitted an amended application which; (a) proposed a density that was reduced from 84 to 76 units; (b) provided additional livability/open space;

PUD #334 (continued)

(c) provided for right-turn-only access to Yale Avenue which aids in the dispersal of traffic; (d) moved the entry street from 35th Street away from the rear yards of abutting single-family; (e) relocated the pool and cabana area to an interior location; and, (f) reduced the building length overall to no greater than 6 units attached with no greater than 3 units attached adjacent to the south and east property lines.

The Staff has reviewed the amended application and find that problems and concerns still exist; however, with further revisions the Staff can support this proposal as being consistent with the overall intent of the PUD Chapter. Using the Staff Recommendation on the companion zoning case, the maximum number of dwelling units allowed under a PUD would be 72, which would be an additional reduction of 4 units. In addition, this reduction of units would allow for a greater amount of livability--open space to be provided.

Therefore, the Staff recommends APPROVAL of PUD #334, subject to the following conditions:

(1) That the applicant's amended Outline Development Plan be made a condition of approval, unless modified herein.

(2) Development Standards:

Land Area (Gross):	6.4 acres
(Net):	5.8 acres

Permitted Uses:	Single-Family attached and detached, with customary accessory uses such as parking, pools, cabanas, clubhouse and storage buildings.
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Maximum No. of Units:	72 units
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Maximum Building Height:	2 stories
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Minimum Livability Space:	1,530 sq. ft. per unit
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Minimum Building Setbacks:

From east, north and south boundaries;	20 feet
from west boundary;	45 feet
between buildings.	15 feet

Minimum Off-Street Parking:	2 spaces per unit
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(3) That one identification sign may be erected at each entry. The sign shall not exceed 32 square feet in surface area, nor 6 feet in height, and illumination, if any, shall be by constant light.

(4) That a Homeowner's Association shall be established to maintain all streets and other common areas.

(5) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of a building permit, including building elevations.

(6) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy, including a design and location

of a screening and security fence constructed and maintained on all exterior boundaries of the project.

7. That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and submitted to and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Charles Norman represented Cambridge Properties who has entered into a contract with St. Andrew's Presbyterian Church to purchase the subject property. At the outset of Mr. Norman's presentation he discussed the traffic load which has been created on South Yale Avenue from 36th to 41st Streets. The Traffic Engineer has advised if traffic exceeds 22,000 - 25,000 cars per day there is adequate justification for an expressway which is the case in the immediate area.

There is a sharp hill located near the subject property which would make it unappropriate to locate any access points into the tract, except as far north as possible to prevent any sight problems for traffic coming from the south and turning into the tract. The subject property is isolated from the neighboring properties to the south and east by the configuration of the Church's tract. The only points of access into the property is from Yale and from 36th Street.

The tract is also characterized by having 50% of the land area as having been filled. This area is in the north portion of the tract where there was originally a large pond. Any development in that area must make that consideration.

Mr. Norman briefly explained the RM-T zoning classification which was adopted approximately five years ago. He advised the RM-0 District permits 15 dwelling units per acre, RM-T permits 12 and RD only permits 10½. The application was advertised for RM-0 and RM-T, but it was intended that the tract be completely rezoned under the RM-0 classification. The original application requested 84 units which would require RM-0 on a portion of the tract with the remainder zoned RM-T. The request has been amended to be completely rezoned under the RM-T classification and has been reduced to 76 dwelling units. The units will be attached and will not exceed 6 dwelling units attached on the interior and not exceed 3 attached units on the boundaries with at least 15' of separation between the buildings.

Mr. Norman pointed out various aspects required under a PUD application which serve as an asset to the Commission and neighborhood. A PUD application requires a detail site plan review, reduces the permitted height of the underlying zoning, requires a detail landscape plan, requires approval of the design and location of the proposed screening fence and limits the number of buildings that may be attached.

Mr. Norman advised he was not in agreement with the Staff recommendation because it would not permit 76 units and he would not compromise with the recommendation. He also voiced his objection to condition #5 of the PUD which requires that a detail site plan be submitted and approved by

PUD #334 (continued)

the TMAPC prior to the building permit issuance which must include building elevations.

<u>Protestants:</u>	Larry Pinkerton	Addresses:	2400 1st National Tower
	Brad Jensen		3716 South Braden Place
	Joel Smith		806 Pine Oak Edmond, Ok. 73034
	Tom Jenkins		3704 South Braden Place
	Clay Vaughn		4515 East 37th Place
	Susan Little		3360 South Allegheny Avenue
	Larry Siber		4941 East 37th Place
	Forrest Romaro		3730 South Yale Avenue

Protestants' Comments:

Larry Pinkerton, attorney, represented many of the homeowners in the subject area. He advised a court reporter was present as the neighbors had requested for their afforded rights, however, he stated that he did not want to take advantage of the situation.

Mr. Pinkerton advised one of the major concerns of the immediate property owners is one of density. He felt the project contains a substantial number of units which further affects the livability space.

Mr. Pinkerton believed that certain portions of the Zoning Code were not being complied to under the application as proposed. The property owners stated their opposition to the application as it violates Section 1170.2 because it is deficient with relation to site plan and development standards, screening, landscaping and lacks depicting the existing topographic character and does not contain an expected schedule of development.

He further stated the application was deficient concerning Section 1170.1 and 1730 which states that an application must be filed by a person, partnership, corporation or association or a combination owning or possessing a property right or interest in the tract. Mr. Norman filed the application and Mr. Pinkerton was persuaded the application was not properly filed because Mr. Norman does not own the property.

According to Section 1170.3 the application is not properly before the Commission because an amendment has been made. It was suggested that the application should be readvertised to assure the statutes are being complied to. Mr. Pinkerton further stated that the application was deficient in the purposes of a PUD as set forth in Section 1170.3 and Section 1110. Four purposes of a PUD application were briefly discussed.

Mr. Pinkerton completed his presentation and stated that the proposal is not compatible with the adjoining properties and cited specific statistical information concerning the proposed project in relationship to the surrounding residential area. It was believed that this PUD is woefully deficient and is in violation of the Ordinance.

There was some discussion as to the validity of permitting an individual other than an owner of the tract filing a request. Legal Counselor Linker expressed his feelings that the attorney for the applicant is actually the applicant. Mr. Norman stated the forms filled in when a zoning or PUD request is begun inquires if the individual is the attorney or agent for the applicant and felt that to be valid as the form was established by the Staff and Legal Department.

OTHER BUSINESS:

PUD #199-1 (Lot 5, Block 21, Whispering Meadows Addition)

Staff Recommendation -- Minor Amendment

The subject tract is located just north of 31st Street on the west side of 121st East Avenue. The area surrounding the tract, as well as the tract itself, has been approved for single-family detached dwelling units. The applicant has constructed model homes on this tract and abutting tracts and now wishes to maintain a gazebo in the front yard of Lot 5, Block 21, Whispering Meadows Addition. The gazebo will be used as a temporary sales office for one year.

The Staff considers this request to be minor in nature and recommends APPROVAL, subject to the plans submitted for a one-year period.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Beckstrom, Draughon, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the requested minor amendment to PUD #199-1, subject to the plans submitted for a period of one year.

PUD #314-1 (Sebring Grand Prix, Inc.) SW corner of Skelly Drive and Union Ave.

Minor Amendment to relocate and add one additional billboard sign.

Mr. Gardner advised the minor amendment request has been withdrawn by the applicant.

The Chair, without objection, withdrew PUD #314-1 from the agenda.

PUD #324-1

Staff Recommendation -- Minor Amendment

The subject tract is approximately 3 acres in size and located south and west of the intersection of 62nd Street and South Trenton Avenue. It has been approved for two development areas. The first, Development Area "A", is restricted to one single-family detached dwelling and the second, Development Area "B", is restricted to 20 single-family attached dwellings. The applicant is now requesting to build 20 detached single-family units in Development Area "B", rather than attached single-family.

Except for the request to detach the units and the elimination of a tennis court, the applicant will maintain all other requirements of the original PUD. Based upon a review of the request, the Staff can support and recommends APPROVAL of the requested Minor Amendment, subject to the revised Development Plan submitted.

The Staff would note for clarification that Development Area "A" is .64 gross acres in size and approved for one existing single-family unit with livability space provided, per the plan submitted, and that Development Area "B" is 2.48 gross acres in size and approved for 20 detached single-family units.

PUD #324-1 (continued)

Mr. Compton advised the Minutes approving the PUD inadvertently identified the tract with those figures attached to net acreage rather than gross acreage. The amended detail site plan which was submitted identified the development areas in reverse of what was previously approved. The Staff simply pointed out the clarity for the Commission's benefit.

TMAPC Action: 6 members present.

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Beckstrom, Draughon, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the requested Minor Amendment to PUD #324-1.

PUD #171-1 (Development Area "B")

Staff Recommendation -- Minor Amendment

Planned Unit Development No. 171 is located at the northwest corner of Sheridan Road and 81st Street. Development Area "B" is approximately 4 acres in size and approved for those uses permitted by right in the CS District. In addition, the PUD required that only two free-standing signs be permitted in Area "B", one on each arterial street frontage. These signs must be located a minimum of 150' from any residential use and be no greater than 20' in height and 72 square feet of display surface area per sign.

A detail site plan was approved for Quik-Trip, including a free-standing sign which used the total allotment for Sheridan Road. The Staff pointed this fact out at the time of the site plan review. Because of the PUD restrictions, an additional sign is not permitted on Sheridan Road for the shopping center. The applicant is now requesting approval for one of two alternative proposals for signage. The first alternative would be to move the approved 72 square-foot sign from the 81st Street entry to the corner of 81st Street and Sheridan Road. The second alternative would be to divide the 72 square feet into signs of 36 square feet each and locate one at the 81st Street entry and the other at the Sheridan Road entry.

The Staff feels the intent of the PUD sign requirements was to restrict the number of free-standing signs along the streetscape. Because of that original intent we cannot support the splitting of the sign allocation into two signs. However, moving the one 81st Street entry sign over to the corner can be supported as being minor in nature.

Therefore, the Staff recommends APPROVAL of Alternative #1 as a revised sign location for Development Area "B".

TMAPC Action: 6 members present.

On MOTION of DRAUGHON, the Planning Commission voted 6-0-0 (Beckstrom, Draughon, Hinkle, Kempe, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Higgins, C. Young, T. Young, Inhofe, "absent") to approve the requested Minor Amendment to PUD #171-1, as recommended by the Staff to allow a 72 square-foot sign to be moved from the 81st Street entry to the corner of 81st Street and South Sheridan Road.

There being no further business, the Chair adjourned the meeting at 7:02 p.m.

Date Approved Sept. 21, 1983

Cherry Kempe
Chairman

ATTEST:

Marilyn G. Hinkle
Secretary

