

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1362  
Wednesday, June 17, 1981, 1:30 p.m.  
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Freeman Gardner Higgins Holliday, Secretary Kempe, 2nd Vice- Chairman Parmele, 1st Vice- Chairman Petty T. Young	Inhofe C. Young	Alberty Gardner Howell Wilmoth	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, June 16, 1981, at 10:30 a.m., as well as in the Reception Area of the INCOG Offices.

Vice-Chairman Parmele called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, T. Young "absent") to approve the Minutes of June 3, 1981 (No. 1360).

REPORTS:

Report of Receipts and Deposits:

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, T. Young "absent") to accept the Report of Receipts and Deposits (Exhibit "A-1").

DIRECTOR'S REPORT:

Assistant Director, Bob Gardner, advised that renovation of the Center Office Building is progressing. At the present time the elevator is not in operation and the workmen have advised that it will also be turned off several days next week; after that time it should be back in working condition. In addition, the new elevator which has been installed will be in operation. The air conditioning is now in working order in the building; however, the thermostats are not installed and the system is operated manually.

CONTINUED ZONING PUBLIC HEARING:

Z-5543 Arnold Webster South of 4th Street, East of 129th East Avenue  
RS-2 to IL

Bob Gardner stated that Mr. Webster has made an application with the Board of Adjustment. That application will be heard by the Board on June 25, 1981.

Z-5543 (continued)

Therefore, the Staff recommended continuance of the item to July 1, 1981.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, T. Young "absent") to continue Z-5543 to July 1, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5561 Present Zoning: RM-1  
Applicant: Turner Fox (Arnold) Proposed Zoning: OM  
Location: North of the NE corner of 17th Street and Carson Avenue

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Date of Application: April 24, 1981  
Date of Hearing: June 17, 1981  
Size of Tract: 67' x 130'

Presentation to TMAPC by: Steve Turner Phone: 582 - 2282  
Address: Philtower Building

Relationship to the Comprehensive Plan:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity Office and Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the OM District is in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of the requested OM zoning, for the following reasons:

The subject property is located on the east side of South Carson Avenue, north of 17th Street. The property is zoned RM-1 Residential Multifamily, is vacant and the applicant is requesting OM Office Medium Intensity to permit office development.

The subject property is located between OM zoning on the north and south and abuts OH Office High Intensity zoning on the west. OM zoning is appropriate and consistent with the Comprehensive Plan and surrounding zoning patterns. Accordingly, the Staff recommends APPROVAL of the requested OM zoning.

Applicant's Comments:

Steve Turner advised that the subject property was originally zoned OM; in May 1976, the property was downzoned to the RM-1 category. Mr. Turner advised that his architectural firm will occupy approximately one-third of the proposed office building. Fourteen parking spaces will be provided, four spaces in front of the building and ten parking spaces in the rear. The applicant presented a plot plan (Exhibit "B-1") and elevations (Exhibit "B-2") of the proposed building assuring the Commission that the building was designed to preserve the residential integrity of the neighborhood. The proposed office structure will be a 1½ story brick building with a slate roof constructed on the subject tract, a vacant lot at the present time.

Protestants: James Walker Addresses: 1639 South Cheyenne Avenue  
Vera Outhier 1831 South Cheyenne Avenue

Protestant's Comments:

James Walker presented a protest petition (Exhibit "B-3") signed by 115 residents of the Riverview neighborhood. The petition stated that the homeowners felt the proposed OM zoning would be detrimental to the development and character of this historical neighborhood. Mr. Walker pointed out that although much of the area is zoned for office use it is developed as residential. McCormack Studio is located in the area;

Z-5561 (continued)

the studio is located on the first floor and Mr. McCormack maintains his residence on the second level. Bob Long, whose property abuts the subject tract to the north, advised Mr. Walker that he would request a zoning change on his property. The Long property is a split lot - one-half of the lot is zoned OM.

The protestant noted that there are numerous, old and beautiful homes in the area. Many of the homes have been completely renovated. There are also many condominiums in the area which provide homes for people who work in the downtown area.

Mr. Walker noted that the subject tract is a very narrow lot which would be appropriate for condominiums, but an office building will just be a concrete slab.

Vera Outhier advised that she has been a resident of the area for 30 years and loves to live in that area. The homes in the neighborhood have been maintained and improved; many of the residents have made substantial investments in these improvements. The residents hope to eliminate office buildings from the area. Mrs. Outhier urged the Commission to look favorably on maintaining the residential use in the neighborhood.

Interested Party: Ainsley Perault, Jr. Address: 1619 South Carson Ave.

Interested Party's Comments:

Ainsley Perault, Jr. speaking on behalf of his father and himself, advised that it was their opinion that this is a mixed neighborhood, the office will not be detrimental to the area, and adequate parking spaces have been provided. He noted that with the quality of condominiums which have been constructed in the area he would hate to see any more built in the neighborhood. REBOS creates a parking problem in the area and he felt that additional condominiums would impact the parking situation even more. Mr. Perault and his father were in favor of the proposed OM zoning.

A letter (Exhibit "B-4") from the District 7 Chairman was presented. The members of the Committee of District 7 were concerned that the proposed zoning change would set a possibly harmful precedent by being the first modern building in the neighborhood used exclusively for offices. They recommended that the rezoning request be denied and the owners of the subject property follow their alternative plan to build condominiums.

A letter (Exhibit "B-5") was exhibited from Thomas A. Menges, a property owner in the immediate area of the proposed change. Mr. Menges urged the TMAPC to recognize the existing residential resources close to the downtown area and use them effectively. He also stated that the zoning change, if approved, would lead to a further deterioration in the residential character of that area generally bounded by 21st Street (south), Inner Dispersal Loop (east and north) and Riverside Drive (west). Mr. Menges was opposed to the zoning change requested.

Instruments Submitted:

Plot Plan	(Exhibit "B-1")
Elevations	(Exhibit "B-2")
Protest Petition, 115 signatures	(Exhibit "B-3")
Letter from District 7 Chairman	(Exhibit "B-4")
Protest Letter-Thomas A. Menges	(Exhibit "B-5")

Z-5561 (continued)

Special Discussion for the Record:

In answer to Commissioner Holliday's question, Mr. Turner advised that an alcohol rehabilitation center, REBOS, was located to the south of the subject tract; a single family residence is located on the north side of the subject property.

Commissioner T. Young noted that as the Commission considered the requested OL and OM zoning on South Denver, he went on record stating that as economic and energy conditions and changing attitudes about areas in which to live continued to progress, that these older residential areas would be used for residential purposes and the demand for them as residences would grow. The Commission did continue to allow office zoning on Denver and obviously there was a demand, although several of those houses zoned OL have been for sale for as long as the zoning has been in place. In other areas, away from Denver, the existing zoning patterns do not reflect the uses. Even though the map shows OM zoning which supports the OM request, there are no office uses in the area except those fronting on Denver. Commissioner Young pointed out that what is actually in the area and the fact that the property immediately north of the subject tract is apparently going to seek zoning which will be residential in character should be taken into consideration.

Commissioner Petty advised that he had been familiar with the area of the subject tract for a long time. He did not feel the zoning reflected the uses in the neighborhood, that it was a unique area and the Commission would need to consider the rezoning application very carefully. This is an area which is going back the other way, toward redevelopment as a residential neighborhood.

Commissioner Parmele questioned if there are other homes in the area being used for business purposes. Mr. Gardner advised that a home, just south of 17th Street and Carthage Avenue, was being utilized for an office.

TMAPC Action: 9 members present.

On MOTION of PETTY, the Planning Commission voted 8-0-1 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; Freeman "abstaining"; Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be denied:

The North 8.33 feet of Lot 16, and all of Lot 17 and South 8.37 feet of Lot 18, Block 8, Stonebraker Heights Addition, Tulsa County, City of Tulsa, Oklahoma.



ZONING PUBLIC HEARING:

Z-5565 Johnsen (Wm. K. Warren Foundation) NW corner of 71st Street and  
Sheridan Road RS-3 to OM

A letter (Exhibit "C-1") was received from the applicant requesting a continuance of Z-5565 to July 29, 1981.

Mr. Gardner pointed out that July 29, 1981, being the 5th Wednesday of the month, was not a regularly scheduled TMAPC meeting date. However, due to the downzoning hearings and the increased zoning applications, the Staff determined that it would be necessary to hold an extra meeting in July.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, T. Young "absent") to continue Z-5565 to July 29, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Cabin Place (1694) East of the NE corner of 31st Street and South 129th East  
Avenue (RM-1)

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

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Cabin Place, subject to the conditions.

On MOTION of HOLLIDAY, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve the preliminary plat of Cabin Place, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines. (Move utility easement off of Oklahoma Natural Gas right-of-way.)
2. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
3. 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).
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. (Include language in covenants, or as required by the Water and Sewer Department.)
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (if required for drainage)

Cabin Place (continued)

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 City Commission.
7. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
8. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
9. All Subdivision Regulations shall be met prior to release of final plat. (Staff)

Delaware Crossing Condominiums (PUD #256) (1783) SW corner of 90th Street and South College Avenue (CS, RM-2 & RM-0)

The Staff presented the plat with the applicant not represented, however, Adrian Smith has been contacted by phone and he was in agreement with the conditions.

The Staff advised the T.A.C. that this plat had been reviewed, along with a site plan by the Subsurface Committee on June 9, 1981. Since the covenants had not been submitted for the last T.A.C. meeting, the plat only received sketch plat approval. Covenants and site plan now have been reviewed and the preliminary process can proceed.

Since the commercial area on the corner had never been processed as a plat before, and since the remainder was a new replat, the T.A.C. recommended that the Major Street Plan right-of-way be shown on Delaware Avenue. (50' from centerline) Building lines will be required in accordance with the zoning (85' from centerline on residential, and 100' from the centerline on commercial.)

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Delaware Crossing Condominiums, subject to the conditions.

On MOTION of GARDNER, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve the preliminary plat of Delaware Crossing Condominiums, subject to the following conditions:

1. Exclude Lot 1 from the PUD requirements. Also, make notation on face of plat that Lot 1 is not part of the PUD. Adjust lot line on east side of Lot 1 to comply with PUD.
2. Show 20' building line adjacent to commercial (Lot 1). Show 35' building lines on all the rest of Lot 2. (PUD requirement) Identify all easements and show width.



Delaware Crossing Condominiums (PUD #256) (continued)

3. All conditions of PUD #256 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.
4. 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.
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
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 City Commission.
7. Access points shall be approved by City and/or Traffic Engineer. (Show locations as per Traffic Engineer on Lot 1.) (Applicant: Review with Traffic Engineer when access is determined.)
8. Revise Covenants to include Water and Sewer Department language.
9. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of 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.

Elmcrest Park (3293) SE corner of 51st Street and South Columbia Place (OL, RS-2)

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

The Staff notes this has been submitted as a PUD, and the hearing was not scheduled until June 10, 1981. It was recommended the plat be reviewed and recommendations made by the T.A.C., but it not be transmitted to the Planning Commission until June 17th. (The next Land Division Meeting after the PUD hearing) The applicant was agreeable to this procedure.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Elmcrest Park, subject to the conditions.

On MOTION of ELLER, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve the preliminary plat of Elmcrest Park, subject to the following conditions:

1. In Covenants, page 2, end of Section I, add paragraph regarding relinquishment of access. Page 3, Sub-paragraph A, add the PUD conditions regarding square-footage, etc... On page 4, Section III, paragraph A, correct PUD number to read 257.

Elmcrest Park (continued)

2. All conditions of PUD #257 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.
3. 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.
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. (if required??)
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 City Commission.
7. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by City Engineer.
8. Access points shall be approved by City and/or Traffic Engineer. (Show corner radius.)
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. The Zoning Application (Z-5518) shall be approved before final plat is released, or if not approved for OL, RM-T, PUD, a revised plan(s) should be submitted conforming to the applicable zone.
11. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the subdivision Regulations.)
12. All (other) Subdivision Regulations shall be met prior to release of final plat. (Staff)

Shamrock Industrial Park (2103) West side of North Toledo, between Apache Street and 36th Street (IL)

The Staff advised that all letters of approval had been received and recommended final approval and release of Shamrock Industrial Park.

On MOTION of ELLER, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") for final approval and release of Shamrock Industrial Park.

Rustic Meadows Amended (PUD #250) (1183) 81st Street and South 77th East Avenue (RS-3)

Mr. Wilmoth stated that he had received all the necessary letters and recommended final approval and release of Rustic Meadows Amended.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve and release the final plat of Rustic Meadows Amended.

Braeswood Addition (483) 61st Street and South Oswego Avenue (RS-2)

The Staff advised that not all letters of approval had been received and it was recommended the plat be tabled.

The Chair, without objection, tabled Braeswood Addition.

The Directory (783) North of the NW corner of 81st Street and South Lewis Ave. (CO)

All letters of approval are in the file and the Staff recommended final approval and release of The Directory.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") for final approval and release of The Directory.

FOR CHANGE OF ACCESS ON RECORDED PLAT:

Airport Industrial Center (3304) SW corner of Pine Street and North 143rd East Avenue (IL)

The Staff advised that this is a request to change an access point on Pine Street to a point further west of its intersection with 143rd East Avenue. The change has been approved by the Traffic Engineer and it is recommended the Planning Commission concur.

On MOTION of ELLER, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve the change of access on the recorded plat of Airport Industrial Center.

Plaza Village (283) SE corner of 69th Street and South Sheridan Rd. (CS)

Mr. Wilmoth advised that this is a request to relocate two access points on South Sheridan Road. No new access is being created, and the only change is to relocate them about 12 or 13 feet. Traffic Engineering has approved the request and it is recommended the Planning Commission concur.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to relocate two access points on South Sheridan, "Plaza Village."

West Park Plaza (2992) SW corner of West 46th Street and South 53rd West Ave.  
(IM)

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

The County Engineer could not be present for the meeting, but had advised the Staff of their concern that 53rd West Avenue would be used for heavy truck traffic to the south. They would rather the heavy traffic use 46th Street. Also, the strip of land along the north side of the plat should be included in the plat, and not left as shown. (This was a concern pointed out in the sketch plat process and the Staff agrees with the County Engineer.) There was concern as to why the lots had been left out and the dedications for 53rd West Avenue, along the east side of the plat, had been dropped. Building lines aren't normally shown except on abutting streets, but the County Engineer and Staff felt that if 53rd West Avenue is not dedicated, then the appropriate building lines should be shown on the plat reflecting the zoning setbacks. The Staff included copies of the Zoning Minutes and it appears that the plat doesn't reflect some of the statements made in the zoning hearing.

In discussion, it was pointed out that access may be prohibited by zoning along the north. (This was not the case after further investigation. However, the T.A.C and Staff still feel that this strip should be included in the plat and applicable building lines shown.)

There was no objection to a preliminary approval, subject to the conditions as listed, so the applicant could proceed with the plat.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of West Park Plaza, subject to the conditions.

After discussion with applicant's attorney, Mr. Wilmoth recommended that condition No. 1 be deleted since the applicant has access across the subject tract. There is also access from the south.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve the preliminary plat of West Park Plaza, subject to the following conditions:

1. Show book and page numbers of all dedications and easements by separate instrument.
2. Correct location map and main map to show Bridges Heights. Show 25' corner radii at property lines where applicable.
3. Show building lines in accordance with zoning.
4. 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.
5. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.

West Park Plaza (continued)

6. 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). (if applicable)
7. 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 County Commission.
8. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department.
9. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
10. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of 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.

Towne Center II (3094) SW corner of 41st Street and South 109th East Avenue (CS)

Mr. Wilmoth advised that the applicant had worked out the existing problem with this plat and requested the application be withdrawn.

The Chair, without objection, withdrew the requested change of access on Towne Center II.

LOT-SPLITS:

L-15208	S. W. Abel	( 983)	L-15230	Roger Hardesty	(2194)
15223	Milton Berry	(3294)	15231	J. D. Kenworthy	(2293)
15226	Carol Johnson	(1893)	15232	T.U.R.A.	(2502)
15227	T.U.R.A.	(3602)			

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") for ratification of prior approval of the above-listed lot-splits.

L-15215 Dave Ellis (3522) 13200 Block of North Cincinnati Avenue (AG, County)

This is a request to clear title on a tract already in existence, but not approved by the TMAPC. Applicant is asking for a waiver of the minimum size requirement of 2 acres to permit a tract 1.03 acres. It meets the minimum frontage of 200', in fact exceeds it because there is 300' of frontage. The Health Department has already approved the septic system and released the split. There are other tracts in this area that are even smaller so it is recommended that the request be approved, subject to Board of Adjustment approval of the lot area on a minor variance.

The Technical Advisory Committee and Staff recommended approval of L-15215, subject to one condition.

L-15215 (continued)

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve the waiver of conditions on L-15215, subject to the following condition:

(a) The Board of Adjustment approval on a minor variance of the area.

15233 Frates Company (1292) 17th Street and South Main Street (CH)

The Staff made the following report:

This split involves a small tract of land 18' x 57½' on 17th Street. All the rest of the lots in the block do not involve a split. There is no zoning problem since it is zoned CH and there are no minimum requirements. The Board of Adjustment however, has allowed the applicant a setback waiver from 40' to 30', which is the existing property line. The Major Street Plan requires 40' from centerline. The Board in its approval required a letter of approval from the City Engineer indicating no objection to the setback waiver. Since the only waiver involved is related to the Board of Adjustment action, the Staff recommends approval of the request to waive the Subdivision Regulations requiring conformance with the Major Street Plan, subject to the same approval letter required by the Board of Adjustment.

(Note: This only applies to South Main. 17th Street is not on the Major Street Plan.)

Mr. Wilmoth advised that approval letters have been received from both the Traffic Engineer and City Engineer. Roy Johnsen was present for the applicant.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve the waiver of conditions on L-15233.

APPROVAL OF AMENDED COVENANTS:

Burning Hills (Portion of Block 2) (PUD #254) 68th Street and South Canton Ave. (OM)

Mr. Wilmoth advised that the TMAPC previously waived the platting requirements on this part of Burning Hills covered by PUD #254, subject to the applicant filing an amended set of covenants to reflect the PUD conditions. A copy of the amended Covenants (Exhibit "D-1") was exhibited.

On MOTION of ELLER, the Planning Commission voted 9-0-0 (Eller, Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young "absent") to approve the Amended Covenants of Burning Hills.

Assistant City Attorney, Alan Jackere, presented the legal opinion (Exhibit "E-1") requested by the Commission concerning the authority to downzone without a property owner's consent.

There being no further business, the Chair adjourned the meeting at 2:20 p.m.

Date of Approval

June 24, 1981



Chairman

ATTEST:

Marian E. Holliday  
Secretary





TMAPC RECEIPTS  
MONTH OF MAY, 1981

ZONING

Zoning Fees	(19)	\$2,156.00	
Fee Waived	( 0)		
			\$2,156.00

LAND DIVISION

Subdivision Preliminary Plats	( 7)	\$ 350.00	
Subdivision Final Plats	( 4)	200.00	
Lot-Splits	(27)	220.00	
Fee Waived	( 2)		
			\$ 770.00

BOARD OF ADJUSTMENT

		\$2,110.00	
Fee Waived	( 0)		
			\$2,110.00
			<u>\$5,036.00</u>

<u>Depository Ticket</u>	<u>City Receipt</u>		
755	014203	\$1,140.00	
756	014608	1,160.00	
757	015386	2,766.00	
		\$5,066.00	
	*Less	(30.00)	
			<u>\$5,036.00</u>

CITY BOARD OF ADJUSTMENT \$1,690.00

COUNTY BOARD OF ADJUSTMENT \$ 420.00

CITY SHARE \$1,463.00

COUNTY SHARE \$1,463.00

\*Less: Zoning Filing Fee - Finley Engineering Company - \$30.00 - Receipt #28254 -  
Deposit #12877

