TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1366
Wednesday, July 15, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHER PRESENT
Eller	Freeman	Gardner	Linker, Legal Department
Gardner	Inhofe	Howell	
Higgins	C. Young	Lasker	
Holliday, Secretary		Wilmoth	
Kempe, Second Vice-Chairman			
Parmele, First Vice Chairman			
Petty			
T. Young			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, July 14, 1981, at 10:31 a.m., as well as in the Reception Area of the INCOG Offices.

Vice-Chairman Parmele called the meeting to order at 1:40 p.m. and declared a quorum present.

MINUTES:

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to approve the Minutes of July 1, 1981, (No. 1364).

REPORTS:

Report of Receipts and Deposits:

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to accept the Report of Receipts and Deposits for the Month ended June 30, 1981, (Exhibit "A-1").

DIRECTOR'S REPORT:

Director Lasker asked Jim Bourey of the City Development Department to present the three sets of proposed TURA amendments to the Urban Renewal Plan.

The first amendment is to identify properties in the NDP area (Greenwood & Crosstown portions) for acquisition in order to implement the plans for those sectors. Relocation of residents and businesses is included. Financing for these activities, as well as for demolition of structures, is to be through Community Development Block Grant funds.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to adopt the Resolution Finding That Amendments To The Urban Renewal Plan For The Neighborhood Development Program Area In Connection With The Sixth Year Community Development Program Are In Conformance With The Comprehensive Plan Of The City Of Tulsa as follows:

RESOLUTION NO. 1366:543

RESOLUTION FINDING THAT AMENDMENTS TO THE URBAN RENEWAL PLAN FOR THE NEIGHBORHOOD DEVELOPMENT PROGRAM AREA IN CONNECTION WITH THE SIXTH YEAR COMMUNITY DEVELOPMENT PROGRAM ARE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN OF THE CITY OF TULSA

WHEREAS, the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma, on August 2, 1960, and August 9, 1960, respectively, adopted a Comprehensive Plan for the orderly development of the City and County of Tulsa, Oklahoma, with subsequent amendments to date; and,

WHEREAS, said Comprehensive Plan contains sections dealing with the needs and desirability of Urban Renewal Programs; and,

WHEREAS, on November 17, 1959, the City of Tulsa appointed the Tulsa Urban Renewal Authority in accordance with House Bill No. 602, Twenty-Seventh Oklahoma Legislature (1959), now cited as the Urban Redevelopment Act, Title 11, Oklahoma Statutes, Section 1601 et seq.; and,

WHEREAS, said Urban Redevelopment Act requires that the Tulsa Metropolitan Area Planning Commission certify to the City of Tulsa as to the conformity of any proposed Urban Renewal Plans and/or major Plan Amendments to the Comprehensive Plan of the City of Tulsa; and,

WHEREAS, the Tulsa Urban Renewal Authority has prepared Amendments to the Urban Renewal Plan for the Neighborhood Development Program Area in connection with the Sixth Year Community Development Program within the City of Tulsa; and,

WHEREAS, said Neighborhood Development Program and the related Urban Renewal Plan Amendments for the area have been submitted to the Tulsa Metropolitan Area Planning Commission for review in accordance with the Urban Redevelopment Act.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that:

1. The proposed Urban Renewal Plan Amendments for the Neighborhood Development Program Area, in connection with the Sixth Year Community Development Program specifically:

   Modify URP-3A, URP-3C, and URP-3E, Acquisition Status Maps, to indicate additional acquisition in the Greenwood and Crosstown portions of the Neighborhood Development Program Area in the Sixth Year Community Development Program;

   Modify Appendix II, Relocation Plan, to show feasibility of relocation of site occupants displaced as a result of the additional acquisition, in accordance with State and Federal laws; and

Amend Appendix III, Financing Plan for the Sixth Year Community Development Program to include cost estimates related to the proposed additional acquisition, relocation, and demolition;

are hereby found to be in conformity with the Comprehensive Plan for the City of Tulsa.

2. Certified copies of this Resolution shall be forwarded to the Board of Commissioners of the City of Tulsa.

The second amendment is proposed for the Downtown Northwest Urban Renewal Plan and involves a property to the northwest corner of 11th Street and Denver Avenue.

Commissioner Petty stated that he was strongly in favor of this amendment and felt that redevelopment of this tract of land will be an enhancement to the City of Tulsa; however, he recommended the Planning Commission restate their concern that redevelopment plans for the site should include accommodation for the current tenants.

On MOTION of PETTY, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to adopt the Resolution Finding That Modifications To The Downtown Northwest Urban Renewal Plan Are In Conformance With The Comprehensive Plan Of The City Of Tulsa and that accommodation of the current tenants be considered in any redevelopment plans.

RESOLUTION NO. 1366:544

RESOLUTION FINDING THAT MODIFICATIONS TO THE DOWNTOWN NORTHWEST URBAN RENEWAL PLAN ARE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN OF THE CITY OF TULSA

WHEREAS, the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma, on August 2, 1960, and August 9, 1960, respectively, adopted a Comprehensive Plan for the orderly development of the City and County of Tulsa, Oklahoma, with subsequent amendments to date; and,

WHEREAS, said Comprehensive Plan contains a section dealing with the needs and desirability of an Urban Renewal Program; and,

WHEREAS, on November 17, 1959, the City of Tulsa appointed the Tulsa Urban Renewal Authority in accordance with House Bill No. 602, Twenty-seventh Oklahoma Legislature (1959) now cited as the Urban Redevelopment Act, Title 11, Oklahoma Statutes, Sec. 1601 et seq.; and,

WHEREAS, said Urban Redevelopment Act requires that the Tulsa Metropolitan Area Planning Commission review any proposed Urban Renewal Plan, and/or modifications or amendments to an adopted Urban Renewal Plan to determine that the Urban Renewal Plan or amendments conform to the Comprehensive Plan of the City of Tulsa; and,

WHEREAS, on September 30, 1964, the Tulsa Metropolitan Area Planning Commission approved a Downtown General Neighborhood Renewal Plan submitted by the Tulsa Urban Renewal Authority, said Plan containing the Downtown Northwest Urban Renewal Plan; and,

WHEREAS, modifications to the Downtown Northwest Urban Renewal Plan have been submitted to the Tulsa Metropolitan Area Planning Commission in accordance with the said Urban Redevelopment Act.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that:

1. The proposed modifications to the Downtown Northwest Urban Renewal Project, specifically:

   Modify URP-2, Acquisition Plan Map, to: (1) designate that Parcel 869 be acquired; (2) designate that the remaining portion of the alley in said Block 3 be closed; and (3) designate that the east 20 feet of said Parcel be dedicated to the City of additional right-of-way for Denver Avenue and that the remaining land acquired be incorporated into Disposition Parcel OIR-10;

   are hereby found to be in conformity with the Comprehensive Plan for the City of Tulsa.

2. Certified copies of this Resolution shall be forwarded to the Board of Commissioners of the City of Tulsa.

The third amendment proposed for the Westbank Area II Plan involves the land south of 61st Street and east of the proposed Riverside Expressway. The Urban Renewal Plan for this site is proposed to be changed from public use to medium intensity multifamily use. This is in accord with the District 18 Plan Map, which shows a Medium Intensity Corridor; this would accommodate all types of multifamily residential uses except RM-3. Acquisition status maps are also proposed to be changed to reflect this parcel's acquisition. Proceeds from sale of this property will be used to construct the low water dam.

Commissioner T. Young stated he was opposed to handling this area "piece meal." He suggested the Commission withhold comments until some action has been taken on the total River Parks development plan.

On MOTION of GARDNER, the Planning Commission voted 7-1-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, "aye"; T. Young, "nay"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to adopt the Resolution Finding That Amendments To The Urban Renewal Plan For The Westbank Area II Urban Renewal Project, Okla. R-36, Are In Conformance With The Comprehensive Plan Of The City of Tulsa.

Resolution: (continued)

RESOLUTION NO. 1366:545

RESOLUTION FINDING THAT AMENDMENTS TO THE URBAN RENEWAL PLAN FOR THE WESTBANK AREA II URBAN RENEWAL PROJECT, OKLA. R-36, ARE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN OF THE CITY OF TULSA

WHEREAS, the City of Tulsa, Oklahoma, and the Board of County Commissioners of Tulsa County, Oklahoma, on August 2, 1960, and August 9, 1960, respectively, adopted a Comprehensive Plan for the orderly development of the City and County of Tulsa, Oklahoma, with subsequent amendments to date; and,

WHEREAS, said Comprehensive Plan contains sections dealing with the needs and desirability of Urban Renewal Programs; and,

WHEREAS, on November 17, 1959, the City of Tulsa appointed the Tulsa Urban Renewal Authority in accordance with House Bill No. 602, Twenty-Seventh Oklahoma Legislature (1959) now cited as the Urban Redevelopment Act, Title 11, Oklahoma Statutes, Sec. 1601 et seq.; and,

WHEREAS, said Urban Redevelopment Act requires that the Tulsa Metropolitan Area Planning Commission certify to the City of Tulsa as to conformity of any proposed Urban Renewal Plans and/or Plan Amendments to the Comprehensive Plan of the City of Tulsa; and,

WHEREAS, the Tulsa Urban Renewal Authority has prepared Amendments to the Urban Renewal Plan for the Westbank Area II Urban Renewal Project, within the City of Tulsa; and,

WHEREAS, said Westbank Area II Plan and the related Urban Renewal Plan Amendments for the area have been submitted to the Tulsa Metropolitan Area Planning Commission for review in accordance with the Urban Redevelopment Act.

NOW, THEREFORE, BE IT RESOLVED BY THE TULSA METROPOLITAN AREA PLANNING COMMISSION, that:

1. The proposed Urban Renewal Plan Amendments for the Westbank Area II Urban Renewal Project, specifically:

   Modify URP-2, Land Use Map, to indicate a land use change from public to medium intensity multifamily use;

   Modify URP-3, Acquisition Status Map, to indicate acquisition of Parcel 76.01-105-32;

   are hereby found to be in conformity with the Comprehensive Plan for the City of Tulsa.

2. Certified copies of this Resolution shall be forwarded to the Board of Commissioners of the City of Tulsa.

Director's Report: (continued)

Jerry Lasker advised that the City Commission had adopted the TMAPC recommendation for processing non-owner petition-initiated zoning requests with one modification to clarify the condition listed for correcting mapping errors. Condition number one of the TMAPC policy reads: "To correct mapping errors (errors in drawing of zoning boundaries and/or assignment of zoning classifications)." The modified City Commission policy is as follows: "A procedural mapping error (to correct errors in drawing of zoning boundaries and/or assignment of zoning classifications)."

Russell Linker, Assistant City Attorney, advised the Commission that this item could be considered new business since the City Commission action occurred yesterday afternoon. The TMAPC could take action on this item.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to approve the modification and adopt the policy of the City Commission for processing non-owner petition-initiated zoning requests.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5583 Present Zoning: RM-1, RS-3
Applicant: Roy Johnsen (Jones) Proposed Zoning: OM
Location: North of 71st Street, West of Lewis Avenue

Date of Application: May 29, 1981
Date of Hearing: July 15, 1981
Size of Tract: 10½ acres

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall Phone: 585-5641

Relationship to the Comprehensive Plan:

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 OM District is not in accordance with the Plan Map.

Staff Recommendation:

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

The subject property is located north of 71st Street, on the east side of the realigned Joe Creek channel. The property is zoned RM-1 Low Density Apartments and the applicant is requesting OM Medium Density Office.

The subject property is abutted by OM zoning on the south, the Joe Creek channel on the west and north and a private recreational club to the east. The tract is isolated from any of the other low-intensity properties to the west and north and, therefore, merits consideration for the requested office zoning. With the exception of the private recreational facility to the east, all property between Lewis Avenue and Joe Creek and north of 71st Street extending north to the north boundary of the subject property is zoned medium intensity. The Joe Creek channel has been the dividing line between the medium-intensity and the low-intensity land use and zoning.

Therefore, based on the physical facts in the area, the Staff recommends approval of OM as requested and recommends that the Comprehensive Plan be amended to include the subject property and the recently zoned OM property to the south.

Applicant's Comments:

Roy Johnsen, attorney representing the applicant, advised that the subject tract is on the east side of the realigned Joe Creek channel. Camp Shalom, a private recreational club, is located on the abutting tract to the east of the subject tract. A two-story athletic building has recently been completed as a part of the Club facility on that property. The tract to the south of the subject tract was recently rezoned for medium office use.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no

"abstentions"; Freeman, Inhofe, C. Young, "absent") to recommend to the Board of City Commissioners that the following property be rezoned OM:

A tract of land that is part of the W/2 of the W/2 of the SE/4 of Section 6, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, described as follows, to wit:

Beginning 563.05 feet North of the Southwest Corner of the W/2 of the SW/4 of the SE/4; thence Northerly along the West line thereof for 322.07 feet to the Northwest Corner thereof; thence Easterly along the North line for 660.01 feet to the Northeast Corner; thence Southerly along the East line thereof for 325.00 feet to the Southeast Corner; thence Westerly and parallel to the North line for 660.01 feet to the point of beginning, consisting of 4.96 acres more or less: AND

A tract of land that is part of the W/2 of the SW/4 of the SE/4 of Section 6, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, described as follows, to wit:

Beginning 888.10 feet North of the Southwest Corner of said W/2 of the SW/4 of the SE/4; thence Northerly along the West line thereof for 435.00 feet to the Northwest Corner thereof; thence Easterly along the North line thereof for 660.01 feet to the Northeast Corner thereof; thence Southerly along the East line thereof for 435.00 feet; thence Westerly and parallel to the North line for 660.01 feet to the point of beginning, consisting of 5.55 acres, more or less.

Application No. Z-5560 Present Zoning: RS-3, RM-0 and CS

Applicant: David C. Cameron Proposed Zoning: CS, RM-2 and RM-0

Location: SW corner of 91st Street and Yale Ave.

Date of Application: April 23, 1981
Date of Hearing: July 15, 1981
Size of Tract: 12 acres, more or less

Presentation to TMAPC by: William B. Jones
Address: 201 West 5th Street, Suite 400 Phone: 581-8200

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use within the 10-acre node (660' x 660') the remainder of the property Low-Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS and RM-2 zoning Districts are in accordance with the Plan Map within the Medium Intensity area and the RM-0 is in accordance with the Plan Map in the Low-Intensity area.

Staff Recommendation:

The Staff recommends APPROVAL of the requested CS, RM-2 and RM-0 Districts for the following reasons:

The subject property is located at the SW corner of the intersection of 91st Street and Yale Avenue. The property is vacant, is zoned RM-0 and RS-3 and the applicant is requesting a southern extension of the CS Commercial zoning, an extension of the RM-0 and APPROVAL of RM-2 zoning within the medium intensity node and adjacent to the commercial District.

The subject property was a part of a previous zoning application which requested less than the full zoning allocations within the medium intensity node of the intersection corner. The subject request would in affect permit the full 10-acre medium intensity allocation with the CS and RM-2. Also, the RM-0 request would allow the permitted 300' buffer surrounding the medium intensity node. The subject request is consistent with the Comprehensive Plan for District 18 and the zoning approved on the other intersection corners.

For these reasons, the Staff recommends APPROVAL of the requested CS, RM-2 and RM-0.

Applicant's Comments:

William Jones advised that approximately two years ago the subject property was rezoned to RS-3, RM-0 and CS. At that time, 467' x 467' of CS was requested with a 300' buffer of OM zoning. A PUD was presented, which included 108,900 sq. ft. of shopping center on 19 acres; multifamily to the west along 91st Street (232 dwelling units); 60 units of patio homes in a cluster concept served by private streets with a boulevard in the center of the patio homes.

The Staff advised the TMAPC at that time that they did not feel there was a way to provide meaningful open space in the project with the proposed densities and design. The application was continued to a later date.

Mr. Jones stated that after talking with the Staff it was determined that more open space was meritorious and the applicant began revision of the Planned Unit Development. However, the applicant later requested the item be withdrawn due to the existing economic conditions and the mortgage market situation.

The applicant is now requesting a combination of CS, RM-2 and RM-0 zoning which he feels will be compatible with other existing and planned uses in the surrounding area. Mr. Jones stated there will be a Planned Unit Development for the subject tract, but he did not know when that will be presented.

Protestants: Jody Westby — Addresses: 4511 East 91st Street
Ann Donavan — 4625 East 91st Street

Protestant's Comments:

Jody Westby presented a protest petition (Exhibit "B-1") signed by 72 area residents who oppose, protest and vigorously object to any further rezoning of the subject property. Citing the previous application presented to the TMAPC on November 28, 1979, and reading the Minutes of that meeting Ms. Westby noted that the architect advised that if the shopping center had been oriented to Yale, the driveways into the shopping center would have been 8% - 10% slopes because of the steepness of the grade. This in turn, would also reorient the multifamily area and rather than having the natural drainage in the middle of the apartment project it would be along one side of the apartments. At the same meeting, the Planning Consultant, Glen Turner, advised that the entrance at the crest of the hill would be a service entrance, and the other proposed access would have enough signt distance that someone cresting the hill would have ample time to slow down or stop. The protestant pointed out that the topography of the land remains the same and the hills near the intersection of 91st Street and Yale are extremely dangerous. This fact can be well-documented through the Tulsa Police Department and the high incidence report for accidents at this intersection which does not have traffic lights. Ms. Westby stated that 91st Street carries a heavy traffic load since that street is the community of Jenks "link to Tulsa."

The protestant advised that most residents of the area have well water and questioned the rationale of commercial or multifamily dwellings until supportive or protective services such as a fire station are provided.

Speaking to the aesthetics of the area, Ms. Westby pointed out that the natural resources in the dense, tall, very old trees on the south side of 91st Street, west of Yale, would be destroyed. Some of the existing trees are rare. The installation of a water line along 91st Street has already necessitated the trees to be bulldozed along a 25-foot strip.

Protestants of the area questioned if the proposed commercial or multifamily dwellings would be consistent with the kind of quality development taking place in the Thousand Oaks Addition.

Ms. Westby stated that this is one of the most beautiful areas of Tulsa. She urged that the Vision 2000 aim for balanced growth be pursued and that the subject application be denied by the Commission.

Z-5560 (continued)

Ann Donavan advised that she was of the opinion, after consulting the District 18 Plan Map, that a portion of the subject tract is located in the floodplain. In addition, she noted there seemed to be several other things wrong with the subject application including the fact that orderly planned development for quality growth does not appear to be a consideration of the developers.

The protestant noted that advantage is being taken of three or four home owners directly across from the proposed rezoning sites who chose to buy and live in a rural-like atmosphere and who suddenly find themselves facing the possibility of looking at apartments or duplexes instead of a home across the street. She noted that just because a precedent has been set in southeast Tulsa for commercial zoning buffered with duplexes or apartments, then single family dwellings, is not reason for it to continue.

Ms. Donavan pointed to the continually failing businesses of the Walnut Creek Shopping Center and noted that it is unrealistic to expect or anticipate commercial businesses to thrive just two miles away. She questioned if there actually is any real need to develop this particular area at a time when inflation is still quite high and economics are uncertain.

Instruments Submitted: Protest Petition (72 signatures) (Exhibit "B-1")

Special Discussion for the Record:

In regard to the November 28, 1979 TMAPC Minutes, as quoted by Jody Westby, Commissioner T. Young requested that the record reflect that he was not a member of the TMAPC at that time and it was Commissioner Carl Young who was in attendance at that particular meeting.

Commissioner Eller made a motion to recommend approval of the Staff Recommendation after which Commissioner T. Young offered a substitute motion for denial. The substitute motion did not receive a second.

Commissioner T. Young advised that there is existing commercial uses which have already been approved and recommending approval of this application would be stretching beyond the existing zoning boundaries. He was in favor of "holding the line."

Bob Gardner stated that the commercial zoning would be slightly greater and the requested RM-2 pattern increases the density; the RM-2 is within the medium intensity node and adjacent to the existing commercial district.

TMAPC Action: 8 members present.

On MOTION of ELLER, the Planning Commission voted 6-2-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, "aye"; Petty, T. Young, "nay"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to recommend to the Board of City Commissioners that the following property be rezoned CS, RM-2 and RM-O:

CS: That certain tract, more particularly described as follows to wit:

Commencing at the NE corner of Section 21, Township 18 North, Range 13 East; thence South along the Eastern Boundary of Section 21 467 feet to a point of beginning; thence West along

a line parallel to the North Boundary line of Section 21 a distance of 467 feet; thence South and parallel to the Eastern Boundary of Section 21 a distance of 111.93 feet; thence East along a line parallel to the Northern Boundary of Section 21 a distance of 467 feet; thence North along the Eastern Boundary line of Section 21 a distance of 111.93 feet to the point of beginning.

RM-2: That certain tract, more particularly described as follows, to wit:

Commencing at the Northeast Corner of Section 21, Township 18 North, Range 13 East; thence West along the North Boundary line of Section 21, a distance of 467 feet to a point of beginning; thence South along a line which is parallel to the East Boundary line of Section 21 a distance of 578.93 feet to a point; thence East along a line which is parallel to the North Boundary line of Section 21 a distance of 467 feet to a point on the East Boundary line of Section 21; thence South along the East Boundary line of Section 21 a distance of 81.07 feet to a point; thence West along a line which is parallel to the North Boundary line of Section 21 a distance of 660 feet to a point; thence North along a line which is parallel to the East Boundary line of Section 21 a distance of 660 feet to a point on the North Boundary line of Section 21; thence West along the North Boundary line of Section 21 a distance of 193 feet to the point of beginning.

RM-O: That certain tract, more particularly described as follows, to wit:

Beginning at the Northeast Corner of Section 21, Township 18 North, Range 13 East; thence West along the North Boundary line of Section 21 a distance of 767 feet to a point of beginning; thence West along the North Boundary line of Section 21 a distance of 193 feet to a point; thence South along a line parallel to the East Boundary line of Section 21 a distance of 960 feet to a point; thence East along a line which is parallel to the North Boundary line of Section 21 a distance of 960 feet to a point; thence North along the East Boundary line of Section 21 a distance of 193 feet to a point; thence West along a line which is parallel to the North Boundary line of Section 21 a distance of 767 feet to a point; thence North along a line which is parallel to the East Boundary line of Section 21 a distance of 767 feet to the point of beginning.

Z-5575 Roy Johnsen (Lomax Affil.) NE corner of 71st Street and Peoria Avenue CS, RM-2, RM-1 to OM

PUD #261 Roy Johnsen (Lomax Affil.) NE corner of 71st Street and Peoria Avenue (CS, RM-2, RM-2, RM-1)

A letter (Exhibit "C-1") was exhibited from Roy Johnsen requesting a continuance to permit the land planners to continue their efforts to revise the plan to conform to a proposed realignment of South Peoria.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young "absent") to continue Z-5575 and PUD #261 to August 5, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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

Mr. Gardner advised that the Board of Adjustment application for this property is pending and a continuance of the item would be necessary.

On MOTION of HOLLIDAY, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to continue Z-5543 to July 29, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5579 Nichols (Boyd, Crews) South of 72nd Street and West of Kingston Avenue RS-3 to RM-T

PUD #190-A Nichols (Boyd, Crews) SW corner of 71st Street and Sheridan Road (RS-3, RM-0, CS)

Robert Nichols pointed out that this is the second time a continuance has been requested by the applicant. He advised that the developer is contemplating taking out the commercial use and converting it into additional dwelling units. There is a possibility the applications will be withdrawn if the problems cannot be resolved.

Violet Rothrock, 7603 South Sheridan Road, advised that she has lived in the area for the past 52 years. She did not object to a continuance, but pointed out that she operated a beauty shop in her home and found it difficult to reschedule appointments in order to attend the meeting.

W. C. Rothrock, Jr. 7603 South Sheridan Road, Donald R. Wyatt, 7605 South Sheridan Road and Frank Colburn, 5635 East 71st Street were also present at the meeting. They expressed concern about drainage problems and requested notification when these applications were scheduled for hearing at the TMAPC.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to continue Z-5579 and PUD #190-A to July 29, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application PUD #259 Present Zoning: (RS-2)
Applicant: Roy Johnsen (Birmingham Property)
Location: North of the NE corner of 41st Street and Birmingham Place

Date of Application: April 24, 1981
Date of Hearing: July 15, 1981
Size of Tract: 2.8 acres

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall Phone: 585-5641

A letter (Exhibit "D-1") from Attorney G. C. Spillers, Jr., was exhibited requesting continuance of this application until such time official action on the non-owner petition-initiated rezoning request for the 38th and Birmingham area has been resolved.

Roy Johnsen, attorney for the applicant, objected to any further continuance of this item.

Mr. Spillers advised he felt it would be manifestly unfair to hear this application until the downzoning issue has been resolved.

Commissioner Petty questioned when the downzoning issue would be before the Commission and was advised that it would depend on Mr. Spillers and the area residents. The residents will need to file a petition, in conformance with the recently adopted policies, requesting that the area be rezoned.

Assistant City Attorney, Russell Linker, advised that the problem he saw with this issue is that anyone wishing to stop an item on the agenda could request continuance of the application until a petition is filed.

Commissioner T. Young and Commissioner Parmele voiced the opinion that the application should be heard at this time.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young "absent") to hear the application and to deny the requested continuance.

Staff Recommendation:

Planned Unit Development #259 is a 2.8 acre tract of land located on the east side of Birmingham Place. 250 feet north of 41st Street South. The tract contains a residence, is zoned RS-2 single family residential and the applicant is proposing eleven (11) detached single family homes fronting a private cul-de-sac street. No change in the underlying RS-2 is requested.

Planned Unit Development (Supplemental Zoning District) is an alternative to conventional development, where a detailed plan for the development of a tract of land, as a unit, is proposed and submitted for public review. PUD's are encouraged by the Development Guidelines and permit much more extensive public review of proposed developments. PUD permits flexibility within the development and innovative development while maintaining compatibility with neighboring properties. PUD permits private streets and is the only method for obtaining private streets within an RS single family district. Because of these flexibilities in development, maximum densities may also be achieved. Eleven dwelling units is the maximum density under the existing RS-2 zoning.

PUD #259 (continued)

Since the proposed PUD (#259) requests permission to build detached single family homes on individual lots which is the same as the neighborhood is developed, and since the developer proposes to build homes of compatible quality to the neighborhood, approximately 2,600 square feet in size and a minimum of $200,000 in value, the only development issue, in our opinion, is density or number of dwelling units.

The Staff prepared 3 conventional subdivision layouts, utilizing the existing RS-2 zoning, in order to better evaluate the question of density. These layouts or arrangements of lots are included within the TMAPC agenda. Arrangement "A" utilizes a continuation of 40th Street and includes nine (9) lots, all of which meet or exceed the minimum RS-2 bulk and area requirements. Arrangement "B" utilizes a dedicated cul-de-sac street and includes nine (9) lots, all of which meet or exceed the minimum RS-2 bulk and area requirements. Arrangements "A & B" could be subdivided and building permits issued without any change in zoning or special treatment. Arrangement "C" also utilizes a continuation of 40th Street and includes 10 lots, all of which meet or exceed RS-2 lot area requirements and only two (2) of which require a waiver of the minimum frontage requirement on a dedicated street (lots 4 & 5). Eleven (11) lots could not be developed without approval of a PUD or RS-3 zoning.

The Staff believes PUD #259, with modification, meets the stated purposes of Section 1110. The modification which we feel needs to be made is the reduction of 2 dwelling units, which will bring the development proposal closer to the approximate intensity of use as the general neighborhood given the existing zoning. Granted the RS-2 zoning with a PUD would permit eleven (11) units, however, in not every instance is the maximum number warranted.

Based on our evaluation of the development proposal as modified, we find PUD #259:

1. Consistent with the Comprehensive Plan,

2. in harmony with the existing development in the area,

3. a unified development treatment, and

4. consistent with the stated purposes and standards of the PUD Ordinance.

Therefore, we recommend APPROVAL of PUD #259, subject to the following conditions and standards:

(1) That the maximum number of dwelling units not exceed nine (9).

(2) That perimeter yards be established based on acceptable revised site plan, utilizing the proposed concept.

(3) That the applicant's PUD Text and Site Plan shall apply, except for density and perimeter yard requirements as modified herein.

(4) That the perimeter landscaping plan and decorative wall design as submitted, be required.

(5) That the applicant preserve within the development as many mature trees as possible.

(6) That the private street be approved as requested and that a homeowners association be required to maintain the private street and common areas.

(7) That the structures shall not exceed 2 stories in height and shall contain a minimum of 2,450 square feet of floor area, exclusive of garages.

(8) That a subdivision plat be approved by TMAPC, incorporating the PUD conditions of approval within the restrictive covenants of said plat and that the City of Tulsa be made beneficiary to the covenants as provided in Section 1170.5 (c) of the Tulsa Zoning Code and filed of record in the County Clerk's Office.

(9) That revised detailed site plan and interior landscape plan be submitted for approval prior to issuance of a building permit.

Commissioner Holliday announced she would abstain from the discussion and voting on this application.

Applicant's Comments:

Roy Johnsen, representing the owners of the property, briefly reviewed the history of the area and advised that the subject tract was acquired by the owners through an estate sale. The site contains a large dwelling constructed in the late forties, which by reason of its location within the site, serves as a design limitation and will be removed. In development of the subject property, the owners have taken a slightly different approach in the concept of a quality project, creating a truly distinguished addition to the community. Corbin Yamafugi & Partners, Inc., has been engaged as the project architect to design each of the homes to be architecturally compatible with each other as well as compatible with the existing neighborhood. Mr. Johnsen stated that he had a number of meetings with the abutting property owners and found they were concerned that the project would not develop as it was presented. The residents were advised that the use of the Planned Unit Development technique would assure that the project would be constructed as the homeowners wanted.

The concept of Birmingham Circle is a small residential community consisting of 11 single family detached homes on individual lots fronting an interior private street which circles a common area of landscaped open space. Traditional exteriors of brick and wood reflect dwellings very much in keeping with local architectural style. The minimum floor area of the homes will be 2,450 square feet exclusive of garage. The projected sales price of the least expensive home exceeds $170,000.

The project's landscape architect, the Peridian Group, has given design consideration to the preservation of the mature trees by careful location of the dwellings. It is intended to supplement those trees with extensive perimeter and interior landscaping. A 4-foot masonry wall is proposed along the Birmingham Place frontage to provide an attractive entry to the

project and to achieve privacy and security. The project would be additionally enhanced by a six-foot security fence.

The subject tract is at the upper end of the drainage shed and receives only a small amount of off-site drainage. The storm drainage from the project will be managed by grading the street and open areas to obtain on-site detention so that the storm water discharge from the site after development will be equal to or less than the discharge prior to development.

Good planning principles were applied in the development concept of the project. The homes will be located on individual lots at the RS-2 density which is considered to be a low density classification. The use of PUD's is encouraged to provide a variety of life styles; since life styles change, different approaches must be taken for development. When redevelopment occurs in older neighborhoods it must be compatible with the existing residential area; however, the redevelopment is almost always at a higher density. For example, the subject tract has a large existing home with a yard which creates a park-like affect -- it is only natural that the area residents want the subject property to remain as it is. The proposed development will change the subject tract, but will not destroy the neighborhood or residential flavor of the area and will not adversely affect the monetary value of the neighborhood.

In regard to the Staff Recommendation, Mr. Johnsen was of the opinion that the nine recommended units would have as much impact on the area as would the proposed eleven units. He stated that two additional units would have no impact on the utility and public infrastructure system. He also felt that approving only nine units would cause a lost of incentive for extensive landscaping within the project.

Mr. Johnsen pointed out that the existing neighborhood is not uniform in its present configuration. The neighborhood was not subdivided at the same time. Therefore, the proposed development would not represent a departure from any established pattern in the area. The proposed project is in line with the Development Guidelines and Mr. Johnsen advised the Commission that it does meet the planning standards as set forth in the PUD Ordinance.

Protestants:		Addresses:	
	Judge Paul Brightmire		4041 South Birmingham Place
	Mrs. Robert G. Walker		3855 South Birmingham Place
	Betty McGanaham		3823 South Birmingham Place
	Barry VonHartitzsch		2532 East 38th Street
	G. C. Spillers		3836 South Birmingham Place

Protestant's Comments:

Judge Paul Brightmire stated that he was sure that if the architect of the proposed development had been involved with planning Tulsa, we would not be considered the most beautiful City in America. Noting the large lots in the area, Judge Brightmire pointed out that the small lots proposed by the developer would not be compatible within this residential neighborhood. The landscaping and screening as proposed, will not make the development compatible with the surrounding neighborhood. He stated that he could envision the subject tract divided into seven individual lots which would be in keeping with the RS-1 zoning classification which he thinks should

be in place, but could not agree with the Staff Recommendation for nine units. He stated that the applicant's proposal did not meet the intent of the PUD Ordinance.

Clara M. Buchele advised that she owns the property to the north of the subject tract and has lived there almost 24 years. Mrs. Buchele stated that she has a large lot and would be opposed to it being divided in the event that she would sell the property. The protestant noted that her late husband was a builder and developer and it had been her privilege to have some knowledge of this type of business. Mrs. Buchele could not believe that the City of Tulsa would have a part in this type of development. She expressed concern with the proposed wooden screening fence which, in her opinion, would present a fire hazard. The trees on the subject property will not live if all the ground is taken up with houses. Regarding the drainage in the area, the protestant advised that the flow of the water from the subject tract will be into her yard, across the street, and then down onto Columbia Place. She stated she did not know how they would stop the flow of this water with so many houses on the subject tract. Mrs. Buchele advised that she was a civic minded person, but could not tolerate the devaluation of her property.

Mrs. Robert G. Walker advised that she lives adjacent to the subject property. She pointed out that this area of south Tulsa has had virtually no apartments or multifamily buildings. Zoning is intended to protect and guide the growth of the city. Noting that the city must be consistent in the zoning and development of the area, Mrs. Walker pointed out that the zoning in the area of the subject tract is in question; the precedent is set, and the character has been established. All of the 32 homeowners in the immediate area of the subject tract are opposed to this application. The protestant stated, "we must not correct one mistake and then make another."

Mrs. Walker was of the opinion that the proposed Planned Unit Development is misplaced here and that the concept of the PUD is being abused. Constructing 11 units on the subject tract is inconsistent and incompatible with the character of the existing residential neighborhood. She requested that the subject property be subdivided for conventional development under the RS-1 zoning classification. Before any construction is allowed, two problems should be considered: 1) The water runoff would cause flooding of the area yards, 2) traffic and/or parking problems in the area. She pointed out that at the present time, any party in this area necessitates "on the street parking." Mrs. Walker presented pictures (Exhibit "D-3") of the residential area showing the drainage and water runoff.

Betty McGranahan, a resident of the area, pointed out that this is a beautiful street and neighborhood. Homes sell easily in this area even without a "For Sale" sign being posted. She was opposed to the Planned Unit Development and stated that "in no way does this PUD project fit into our neighborhood." There will not be any tall trees on the subject tract because there would not be room. The increased density would place additional strain on the water pressure which is already overtaxed. The protestants noted that the owners of the subject tract have never lived on this property. She advised that it did not seem fair that a homeowner would not have the same rights and privileges as a developer of the subject tract.

PUD #259 (continued)

Ann Burlingame advised that this is an emotional issue. The residents of the area must protect themselves from the "intruder." She was opposed to the small size lots as proposed in the PUD and pointed out they are inconsistent, incompatible, and unharmonious with the existing neighborhood. The protestant noted that if this application is approved others are sure to follow. Ms. Burlingame urged the Commission to deny the PUD application.

Barry VonHartitzsch advised that the proposed development is out of character with the area. He stated that he purchased his home in the area four years ago because of the large lots and open space. It was his concern that the proposed PUD would downgrade the area and, in addition, other PUD's will be filed if this application is approved. The protestant pointed out that if people could afford the purchase price of $250,000 they could afford to live anywhere.

Mr. VonHartitzsch was of the opinion that the plans for the proposed development were not drawn for this particular area; the scale is wrong and the applicant has developed this plan somewhere else in the United States. We do not have any guarantee that these plans will fit on the subject tract. The protestant noted that he was an American who was very disturbed by things such as this - one person who is trying to ramrod this development.

G. C. Spillers advised that this is one of the loveliest areas of Tulsa and the area residents feel the proposed Planned Unit Development would be incompatible with the neighborhood. He objected to the high density which was proposed on one of the largest lots in the City of Tulsa. Mr. Spillers pointed out that this is a hard case -- residents within the whole one-mile section are opposed to the development. Why should people almost a mile away object to this? He suggested they were opposed because approval of this Planned Unit Development would set a precedent and set up a domino affect. Addressing the Staff Recommendation, Mr. Spillers advised that the permitted nine (9) units would not give significant relief to the area. The protestant described the proposed fence as a "fake" security fence that a one-legged man could climb over.

Referring to Section 430.1 of the Zoning Code, Mr. Spillers advised that the proposed 20-foot setback would be in violation -- a 25-foot setback is required. He urged that the total application be denied and the existing house be left in place on the subject tract.

Protest petitions (Exhibit "D-2") bearing signatures of 913 area residents were presented to the Commission.

Instruments Submitted: Letter Requesting Continuance - G. C. Spillers (Exhibit "D-1")
Protest Petitions (913 signatures) (Exhibit "D-2")
Pictures of the area (Exhibit "D-3")

Special Discussion for the Record:

Roy Johnsen pointed out that the setbacks are not consistent in the area because the properties have developed at different times. He noted one newer home in the area which has a 25-foot setback and also informed the Commission that some homes in the Ranch Acres development have 15-foot setbacks. The neighborhood is mixed; houses are different in size, value and lot size.

In regard to the PUD Ordinance, the applicant noted that the standards are set to cover all cases of Planned Unit Development -- they are general standards set forth to meet a variety of developments.

The test of compatibility within a project is, "...what is the nature of the use." Mr. Johnsen advised that the proposed project is an identical use representing no change whatsoever to the principal use in the existing neighborhood. This is innovative land development, just what the Code intended to achieve. He stated that this project meets the compatibility test both in intent and concept.

Addressing the protestant's concern for lower property values, Mr. Johnsen did not feel the proposed project would have any adverse affect on property values since it was a single family development, RS-2 zoned property which is a low density designation and the PUD meets all the Ordinances.

As to the infill theory, Mr. Johnsen pointed out that this is one problem the Commission will have to continually deal with -- things have changed in the past 30-40 years and, therefore, new concepts and different ideas will be presented for future development.

Commissioner T. Young commended the area residents on their delightful presentations and noted that Mr. Johnsen continues to impress the Commission with his professional presentations. The Commissioner stated the subject application raises two critical issues: The matter of rezoning and the question of infill. He was of the opinion that the matter of infill was the most crucial of the two issues and would be before the Commission for some time to come. Much greater pressures will be before the Planning Commission with the anticipated growth in the City of Tulsa. Commissioner T. Young pointed out that there is a serious question of compatibility between existing and proposed developments. In the event that seven or more homes are approved in this development, a precedent will be established which the TMAPC will need to deal with repeatedly. He stated, "I believe there are 700 homeowners out there who need our attention. It is more important to frustrate two developers than it is to frustrate 700 or more homeowners -- they are developers, developers of homes throughout the years.

The challenge is not to succumb to the pressures. The Commissioner pointed out that the PUD is a fine proposal; it is innovative, sensible and well designed. However, he noted that the physical facts tell us that the density might be greater than the area can stand.

Commissioner Petty disagreed that the proposed PUD would be a quality development.

Commissioner Parmele observed that the developers could build as many as nine units on the subject tract without the submission and approval of a Planned Unit Development.

Commissioner T. Young made a motion to approve the PUD with the reduction of the total units permitted from nine to only six units. He noted that if the developer is not in agreement with the recommended six units he would have an opportunity to withdraw the PUD application and develop the nine units which would be allowed under conventional development.

Commissioner Petty stated: "This is a beautiful part of the heritage of this City. There is no way I will ever support tearing this area up." He noted that there is a lot of commercial development going on because the City of Tulsa has maintained the residential character and can offer a quality of life that other cities cannot offer. Because of that we have to deal with infill very carefully. Commissioner Petty did not think the proposed PUD offered anything -- the developers are trying to construct 11 units, but are not offering anything in return.

Commissioner Higgins was of the opinion that 11 units would be too much for the area. In regard to the screening fence, she advised that she would rather see 11 homes next to her property than to look at a 6-foot screening fence. The proposed fence would be more offensive than 11 homes.

Commissioner Parmele did not see how the TMAPC could deny the applicant what he already has by right. He was opposed to the motion for that reason.

Commissioner Kempe agreed that the recommendation for six units would be infringing on the applicant's privilege to develop the subject tract conventionally.

Commissioner T. Young pointed out that the applicant can always withdraw and proceed to construct his nine units. He felt the Commission should vote for the motion recommending construction of six units and have the safety of knowing that they have not "dumped something" on the neighborhood that it does not deserve. We have to be very careful what we do in this area. He stated he would amend his motion to prohibit the installation of a screening fence.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 4-2-1 (Eller, Higgins, Petty, T. Young "aye"; Kempe, Parmele "nay"; Holliday "abstaining"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be APPROVED for a maximum of six units, with no screening fence:

The North 373.62 feet of the South 672.75 feet of the East Half (E/2) of the West Half (W/2) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Twenty (20), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

Zoning Cases Referred Back To TMAPC From The City Commission

Z-5518 Ernest L. Moody SE corner of 51st Street and South Columbia Place
RS-2 to RM-T

PUD #257 R. L. Swanson (Moody, Goswick) SW corner of 51st Street and South Columbia Place (RS-2)

A letter (Exhibit "E-1") was received from Charles E. Norman requesting a continuance of this referral item to July 29, 1981, or some later date. Mr. Norman representing Mr. & Mrs. Thomas G. Rogers, the owners of a part of the property included in this application, advised that due to other business he would be unable to attend the meeting on this date.

On MOTION of ELLER, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to continue Z-5518 and PUD #257 to July 29, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Royal Hills (2883) 109th Place and South Louisville (AG)

The Staff advised that it would be necessary to continue this plat until August 5, 1981, because percolation tests had not been received by the Health Department.

On MOTION of ELLER, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to continue Royal Hills to August 5, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Ridge Park (PUD #190) (1083) 77th Street and South Yale Avenue (RS-3)

The Staff presented the plat with the applicant represented by Paul Gunderson.

Mr. Wilmoth advised that this plat has a Sketch Plat approval, subject to conditions.

The T.A.C. and Staff inquired as to the sequence of development of this tract with an adjacent "Minhsall Park" tract, all part of the same PUD. Some dedications and utility extensions may be necessary if this plat precedes Minshall Park IV.

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

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to approve the preliminary plat of Ridge Park, subject to the following conditions:

1. All conditions of PUD #190 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. Applicant was reminded site plan review is required.

2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property and/or lot lines. (Move 17½' utility easement off P.S.O. easement.)

3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language in covenants relating to water and sewer.

4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be born by the owner of the lot(s).

5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.

Ridge Park (PUD #190) (continued)

6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.

7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.

8. Street names shall be approved by City Engineer. Show on plat as required.

9. Access points shall be approved by City and/or Traffic Engineer. (Show on plat)

10. (a) Since the property is subject to a PUD site plan it is recommended that the site plan also be reviewed with this preliminary plat.

    (b) Covenants should reflect all conditions of the PUD including any imposed on the site plan.

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 Subdivision Regulations shall be met prior to release of final plat.

Brasewood (483) 61st Street and South Oswego Avenue (RS-1)

Mr. Wilmoth advised it would be necessary to table this item since he had not received all of the letters for release.

The Chair, without objection, tabled Brasewood.

FOR WAIVER OF PLAT:

Z-5211 J. O. Braswell (2203) SW corner of East 30th Street North and North Sheridan Road (IL)

The Staff made the following report:

This is a request to waive plat on a 3.2 acre parcel which is zoned industrial (IL) for which a warehouse is planned. The plot plan furnished shows existing right-of-way on 30th Street and various other recorded easements on the property, including sanitary sewer connection contracts. Since it is over 2½ acres it is not subject to a lot-split. Two requirements the Staff notes are that drainage plans would be required and additional right-of-way would be needed on North Sheridan to meet the Major Street Plan. The Staff is of the opinion that the applicant will be willing to convey the necessary right-of-way to satisfy that requirement.

The Engineering Department advised that drainage plans had been reviewed in the permit process. There was no objection to the request if the right-of-way needed on Sheridan could be obtained.

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on Z-5211.

Z-5211 (continued)

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to approve the waiver of plat on Z-5211.

FOR CHANGE OF ACCESS:

Regency Center Amended (2593) NW corner of 51st Street and South Mingo Road (CS)

Mr. Wilmoth advised that this is an access change made necessary by acquisition of additional land on a lot-split. The original plat was a "zoning plat" filed before the use was known so the platted access points were only estimated and not based on an actual use. The Traffic Engineer has approved the new locations to fit the intended use. This is a reduction in the number of access points and it is recommended the request be approved.

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to approve the change of access on Regency Center Amended.

LOT-SPLITS:

L-15177	(294)	Edna Caldwell	L-15245	(2094)	Tulsa Bell Federal Credit Union
15183	(1412)	Freeland, Krumme, et. al.			
15235	(2003)	Investment Services, Inc.	15248	(2194)	Kirberger Construction, Incorporated
15244	(2692)	Edna Beall	15249	(3113)	Jack Fancer
			15250	(3093)	Walter Ansteth

On MOTION of ELLER, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") for ratification of the above-listed lot-splits.

FOR WAIVER OF CONDITIONS:

15234 Roy L. Bankhead (1192) NE corner of West 11th Street and South Phoenix Avenue (RM-2)

The Staff made the following report:

This is a request to split this lot into the north-half and the south-half. The north-half contains a single family residence and the south-half contains a duplex or a total of three dwelling units. The applicant is asking for a waiver of the area requirement of 6,000 square feet for a single family and 6,900 square feet for the duplex in an RM-2 District. (lot areas)

The Staff noted that if this property were vacant, the RM-2 zoning would permit from 9 to 11 dwelling units. Mainly because the land area, not the lot area, would be sufficient to permit this many units because both streets are extra wide and 1/2 of the street right-of-way can be computed in the land area. However, the lot is small and it would probably be

L-15234 (continued)

physically impossible to get 9 to 11 units on the property and still meet the parking requirements. The duplex and single family structures on the property already exist and may possibly even have separate sewer connections, since sewer is in the street on Phoenix. (Subject to verification by Water and Sewer Department.) The Staff does not normally recommend approval in situations such as this one, because there are usually problems with connections to water and sewer facilities, etc. In this case, since it is an existing situation and each structure appears to have separate utility connections and the zoning actually would permit more units than exist now, the Staff does not see any disruption of the neighborhood by permitting this split, provided there are no special requirements from the utilities. (P.S.O. advised they would need an easement, being the east 5' of the N/2 of the split.)

The Technal Advisory Committee and Staff recommended APPROVAL of L-15234.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to approve the waiver on L-15234.

15242 S & C Investment (Mike Parrish) (3194) 1/2 mile North of the NW corner of 61st Street and Garnett Road (IL)

Mr. Wilmoth advised that this is a request to split a 300' x 200' parcel fronting on Garnett Road and leave the remainder in the rear with a 30' access "handle" or flag lot. The access handle coincides with a platted access point and the front parcel will also have an access point as well as being able to use the access easement. The only waiver requested is the frontage, which in an IL district is 150'. Board of Adjustment approval will be required for the remainder in the rear with 30' frontage.

The Water and Sewer Department advised a sewer extension is required. The City Engineer advised that detention fees on the whole plat were due prior to issuance of the building permit.

The Technical Advisory Committee and Staff recommended approval of L-15242, subject to the conditions.

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Eller, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Inhofe, C. Young, "absent") to approve the waiver on L-15242, subject to the following conditions:

(a) Sewer main extension,
(b) payment of detention fees, and
(c) Board of adjustment approval of 30' frontage.

There being no further business, the Chair adjourned the meeting at 5:00 p.m.

Date Approved August 5, 1981

Chairman

ATTEST: Marian E. Holliday
Secretary

TMAPC RECEIPTS
MONTH OF JUNE, 1981

ZONING			
Zoning Fees	(27)	$2,361.00	
Fee Waived	(0)		
			$2,361.00
LAND DIVISION			
Subdivision Preliminary Plats	(8)	$ 400.00	
Subdivision Final Plats	(8)	614.50	
Lot-Splits	(21)	215.00	
Fee Waived	(2)		
			$1,229.50
BOARD OF ADJUSTMENT		$2,210.00	
Fee Waived	(0)		
			$2,210.00
			$5,800.50

Depository Ticket	City Receipt	
758	016541	$2,611.00
759	016918	1,406.00
760	000223	1,783.50
		$5,800.50

CITY BOARD OF ADJUSTMENT	$1,490.00
COUNTY BOARD OF ADJUSTMENT	$ 720.00
CITY SHARE	$1,795.25
COUNTY SHARE	$1,795.25