

TULSA METROPOLITAN AREA PLANNING COMMISSION  
 MINUTES of Meeting No. 1441  
 Wednesday, February 2, 1983, 1:30 p.m.  
 Langenheim Auditorium, City Hall,  
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Gardner	Hennage	Chisum	Linker, Legal
Hinkle	Higgins	Compton	Department
Miller	Kempe	Gardner	
Parmeale, Chairman	T. Young		
Petty, Secretary	Inhofe		
C. Young			

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

Chairman Parmeale called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmeale, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the Minutes of January 19, 1983 (No. 1439).

REPORTS:

Chairman's Report:

Chairman Parmeale presented former Planning Commissioner Lee Eller with a Resolution recognizing his service to the Planning Commission. This Resolution was adopted by the Planning Commission on December 8, 1982. Chairman Parmeale also received a letter from the Riverparks Authority, requesting the Planning Commission to appoint a replacement for Robert F. Bost (Exhibit "A-1").

Rules and Regulations Committee:

Commissioner Gardner, as Chairman of the Rules and Regulations Committee, advised the Commission that the Committee met previous to this meeting and wish to recommend that a Public Hearing be set for March 2, 1983, for consideration of the proposed fee schedule increase. The Staff and the Rules and Regulations Committee have studied the proposal and are prepared to make a recommendation at the public hearing.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmeale, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to set a public hearing date for March 2, 1983, to consider the proposed fee schedule increase.

SUBDIVISIONS:

Sketch Plat Approval:

Ahava (3102) (Osage Co.) NW of West Edison Street and North 65th West  
Avenue (AG)

The Staff presented the plat with the applicant represented by Lynn Calton, Bob Cummings, and Gene Griffin.

This tract was briefly reviewed by the T.A.C. on December 9, 1982, and a request to waive the plat of Board of Adjustment Case #12364. The T.A.C. recommended DENIAL of the request and the Planning Commission concurred and also DENIED the request to waive the plat on December 15, 1982. The Board of Adjustment reviewed the request for an exception to permit the owners to operate the conference grounds, but also required detail site plans and a plat.

(NOTE: Since the Street Plan requirement may be a point of interest to the applicant, the T.A.C. and the Planning Commission, the applicant is requesting the sketch plat be reviewed by the Planning Commission. Ordinarily the sketch plat is not reviewed by the Planning Commission, except when requested by the developer or there is some waiver involved.)

There was considerable discussion in the T.A.C. meeting regarding the Street Plan alignment through the property. The T.A.C., particularly the Traffic Engineer and City Engineer, did not want to go on record as recommending waiver of the Street Plan requirements. An alternate location on the easterly side of the tract was also discussed. The applicant did not wish to make provisions for any public street.

In summary, the T.A.C. would make their comments and let the applicant take his request for waiver to the Planning Commission and City Commission.

The major issue that needs to be resolved involves the Major Street and Highway Plan and the District 11 Comprehensive Plan. Both show that North 65th West Avenue is planned to connect West Edison with West Newton Avenue and eventually to West Apache Street. The plan requires a 100' wide right-of-way as a secondary arterial street. If this were a conventional section line right-of-way, there would be no question of the amount and location of dedications required. However, since the Street Plan follows the topography it does not align exactly with section lines. Even if the street is not fully improved to secondary arterial standards, at least the right-of-way should be provided in accordance with the Major Street and Highway Plan and the District 11 Plan.

Mr. Wilmoth explained that since the T.A.C. meeting the applicant has been in contact with the City and Traffic Engineers concerning this issue and the Engineers have withdrawn their objections. A letter to that effect was submitted to the INCOG Staff. However, it will require a waiver of the Major Street Plan requirement of the Subdivision Regulations for approval of the sketch plat. The Staff requests a 50' right-of-way on the westerly edge of the property along the section line and the applicant has agreed. The

Ahava Addition (continued)

The requirement through the middle will be dropped. A change of the Major Street Plan or the District 11 Plan would require a public hearing at a later date. Mr. Gardner commented that the Mayor also wished the minutes to reflect that he has been working with the applicant and the Traffic Engineer and City Engineer and was in favor of waiving the requirements of the Major Street and Highway Plan.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the request to waive the Subdivision Regulations requiring conformance with the Street Plan on the sketch plat, subject to the following recommendations from the Technical Advisory Committee. (The Committee had noted that these requirements will apply when the Street Plan conditions are determined by the Planning and City Commissions.)

1. That the request for waiver of the Major Street and Highway Plan be subject to City Commission approval.
2. If this plat is to be developed in phases, then lot/block numbers should be assigned and shown on the sketch and preliminary plats to coincide with the phasing.
3. When the locations of the arterial streets are established, limited access shall be shown in accordance with the Traffic Engineering Department's recommendations. Also, show LNA where applicable on existing West Edison Street.
4. Show utility easements as recommended by the utilities and Water and Sewer Department. Also, show all drainageways and storm water detention areas required by the City Engineer. (As this is only a conceptual plan at this time, detailed recommendations would be in order for more specific easements when the preliminary plat(s) are reviewed.)
5. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
6. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat. (Private system may be proposed. Fire protection will be required.)
7. 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).
8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.

Ahava Addition (continued)

10. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
11. Street names shall be approved by the City Engineer. Show on the plat as required.
12. All adjacent streets and/or widths thereof, should be shown on the final plat.
13. All curve data shall be shown on the final plat where applicable. (Including corner radii.)
14. Access points shall be approved by the City and/or Traffic Engineer.
15. It is recommended that the developer coordinate with the Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for release of the plat.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
17. The method of sewage disposal and plans therefore, shall be approved by the applicable Health Department.
18. The owner or owners shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size, and general location. (This information to be included in restrictive covenants.)
19. The method of water supply and plans therefore, shall be approved by the Health Department.
20. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
21. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before the plat is released. (A building line shall be shown on the plat on any wells not officially plugged.) (Or other records commonly used in Osage County.)
22. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. (Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.)
23. All conditions of BOA Case #12364 shall be met prior to release of the final plat(s).

Ahava Addition (continued)

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

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to recommend to the City Commissioners that the subdivision requirements for compliance with Major Street and Highway Plan be waived on this plat.

Commissioner Petty, noting that a provision was not made on the agenda for this subject, wished to voice his concern of how the Major Street had Highway Plan is constantly being waived, especially for the expressways. It is his opinion that the Planning Commission should take a stand on this issue. Perhaps a study could be initiated by the Staff or input could be given to the Tulsa Metropolitan Area Transportation Study concerning the future of expressway right-of-ways in Tulsa. Mr. Gardner explained that the Transportation Policy Committee has made a recommendation to delete the Creek Expressway from the Plan. This cannot be done without a public hearing and the Staff is not prepared to go to a public hearing without studying the alternatives. Commissioner Petty thought it is dangerous to erase expressways off the map simply because financing is not immediately available.

Pennwood Park Addition (PUD #303) (3193) North side of East 60th Street,  
East of Peoria Avenue (RM-1)

The Staff presented the plat with the applicant not represented.

Note: This plat has a sketch plat approval, subject to conditions.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Pennwood Park Addition, subject to the conditions:

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the preliminary plat of Pennwood Park Addition, subject to the following conditions:

1. All conditions of PUD #303 shall be met prior to release of the final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines. Show "Building Line and Easements" and provide utility easements on Mutual Access Area.

Pennwood Park Addition (PUD #303) continued:

3. Water plans shall be approved by the Water and Sewer Department prior to the release of the final plat. (if required)
4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures, shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
6. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
7. Covenants should reflect all PUD conditions in detail, including language for City of Tulsa as beneficiary. Define use and maintenance of Lot 17. Include cable TB in Paragraph 1, Page 2, and Page 5, Restriction "A" exclude Lot 17.
8. Dimension length of 15' building line on Lots 10-13.
9. Show number of lots and acres on the face of the plat near location map. Show a block number.
10. Page 3, Paragraph b of the Covenants should be changed to the standard paragraph.
11. Lot 17 needs to be identified on the plat and in the covenants as a private road and as a general utility easement.
12. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
13. All (other) Subdivision Regulations shall be met prior to release of the final plat.

The Hill Addition (PUD #190) (1083) SE corner of 76th Street and South  
Joplin Avenue (RS-3)

The Staff presented the plat with the applicant not represented.

Note:

This plat has a sketch plat approval, subject to conditions. Further note that this plat is being filed in order to obtain a building permit for one single-family residence on top of the hill, plus the street and utilities needed to service it. These installations will also serve the next phase of development, which will be platted into individual lots as shown on the sketch plat. (The applicant may wish to plat only that area within the private street and his home-site, leaving the remainder subject tract to platting with individual lots later. If this is done, covenants will need to reflect the applicable PUD conditions to this one lot and access street.) Also,

The Hill Addition (PUD #190) continued:

before a building permit can be issued, a site plan review is necessary by the TMAPC. The following is a list of conditions imposed on the sketch plat and some may not be applicable to this first phase. The applicant will explain that this plat is being filed in this manner for tax purposes.

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

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the preliminary plat for The Hill Addition, subject to the following conditions:

1. Indicate or identify that all interior streets are "Private".
2. Extend utility easements across the reserve areas as required by the utilities.
3. All conditions of PUD #190 shall be met prior to release of the final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the Covenants.
4. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to, property and/or lot lines.
5. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
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).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to the release of the final plat. (RMUA approval required.)
8. A request for a Privately Finances Public Improvement (PFPI) shall be submitted to the City Engineer. (if required?)
9. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
10. Street names shall be approved by the City Engineer. Show on plat as required.
11. Need wider easement going north from the top of the hill.

The Hill Addition (continued)

12. On Page 3, fourth paragraph of Covenants should be changed to the standard paragraph; and, Page 2, paragraph 1, should include cable TV or communications.
13. Identify street as private and the whole thing as a general utility easement rather than a 10-foot water easement.
14. The restrictive covenants and deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable).
15. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
16. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Bayberry Place (2283) 101st and S. Maplewood (RD)

The Staff advised that this plat had been reviewed for preliminary approval, conditions outlined by the Technical Advisory Committee and the applicant had met those requirements. Therefore, it was recommended that the plat be granted preliminary and final approval and released as having met all the necessary conditions.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe "absent") to approve the preliminary and final plats of Bayberry Place Addition and release same as having met all conditions of approval.

Ryon's Place (2094) Northeast corner of 41st and S. 118th E. Ave. (RS-3)

The Staff advised that the applicant is aware of the continuance. Most of the tract is in the floodplain and time is needed to study the situation.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe "absent") to continue consideration of the Preliminary Plat for Ryon's Place Addition until February 16, 1983, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Red Oak Bluff Addition (1683) 89th Street and S. Urbana Ave. (RD)

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

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Red Oak Bluff Addition, subject to the conditions.

Ms. Ann Donovan, 4625 E. 91st Street, wondered whether or not the developer is including all of 89th Street in the plat. Mr. Wilmoth advised her they are not. It is shown on the map but not as part of

Red Oak Bluff Addition (continued)

their plat. The plat indicates the south half of 89th Street to be "dedicated by separate instruments". The developers are negotiating with Ms. Donovan on the right-of-way and the City will not allow half of a street to be built. The plat has to be filed of record within a year, so there is time to work with the developer on the dedication; and, no building permit will be issued until the plat is filed of record.

Ms. Donovan was also concerned about the run-off on 89th Street and Mr. Wilmoth assured her that the City will have to approve drainage plans. The plat will not be released until the City's conditions have been met.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe "absent") to approve the Preliminary Plat of Red Oak Bluff Addition, subject to the following conditions:

1. Although the Staff has no objection, the applicant will need to obtain Board of Adjustment approvals for the 15-foot side building lines on 88th and 89th Streets, and the 20-foot front yard set-back. Approval will also be required for waiver of the side yard to "zero" on one side of each duplex, since the Zoning Code does not permit this by right. (The overall density will be less than the RD zoning, since the minimum size lot is 6,900 square feet for each duplex, or two units per 6,900 square feet. These lots will average over 9,000 square feet per duplex.)
2. The applicant is advised that all of the lots above elevation 775 feet will require a secondary water pressure system. (See #5 below.)
3. Show a graphic scale and number of lots and acres on the face of the plat. Also, in deed of dedication, description should be metes and bounds.
4. Utility easements shall meet the approval of the utilities. Coordinate with the Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines. Need center easements in Block 2 to be 11' each.
5. Water plans shall be approved by the Water and Sewer Department prior to the release of the final plat.
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
7. A request for a Privately Finances Public Improvement (PFPI) shall be submitted to the City Engineer.
8. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.

Red Oak Bluff Addition (continued)

9. Street names shall be approved by the City Engineer. Show on plat as required.
10. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted, or other bearings as directed by the City Engineer. Show tie dimension to  $\frac{1}{4}$  corner of Yale Avenue.
11. It is recommended that the developer coordinate with Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for release of plat.)
12. 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.
13. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
14. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before the plat is released. (A building line shall be shown on the plat on any wells not officially plugged.)
15. In paragraph 1.2.2 of the Covenants, do not include common ownership of sewer.
16. Move paragraphs 1.2.5, 1.2.6 and 1.2.7 elsewhere in the Covenants. They should be under Section 1.1.
17. Provide amended Covenants to T.A.C. and Staff prior to submittal of the final plat.
18. A "letter of assurance" regarding installation of improvements shall be submitted prior to the release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.
19. All (other) Subdivision Regulations shall be met prior to release of the final plat.

For Final Approval and Release:

71st Street LTD, (PUD 263A) (383) N. Side 71st Street at Irvington Ave. (OL)

Columbia Place (PUD 295) (3293) 5100 Block S. Columbia Place (RD, RMT)

The Staff advised the Commission that these plats had met all conditions of approval, all release letters had been received, and final approval and release was recommended.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe "absent") to approve the final plats of 71st St. LTD and Columbia Place and release same as having met all conditions of approval.

For Waiver of Plat:

Z-4683 - Bozarth Acres (3392) SE corner of West 58th Street and S. 49th  
West Avenue (IL)

This is a request to waive plat on only a portion of the above zoning application, which will include a tract 160' x 300' fronting on 49th West Avenue. Since the property is already platted and detailed plans have been submitted by the developer for this parcel (McDonald's), the Staff sees no objection to the request, subject to any utility extensions and/or easements needed. Grading plans approval will be through the permit process. Additional right-of-way will be required on South 49th West Avenue to meet the 50' from the centerline requirement of the Major Street Plan and the following conditions:

1. Sewer extension,
2. 10' utility easement on south (if required),
3. 17' utility easement on east, and
4. 20' utility easement on north (this could be in proposed private road).

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-4683, subject to the conditions as recommended by the Staff.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe "absent") to approve the request to waive the platting requirements for Z-4683, subject to the conditions as recommended by Staff.

Z-5775 - Union Gardens (684) North of the NE corner of 66th Street and  
South Mingo Road (OL)

This is a request to waive plat on Lot 11, Block 7 of the above subdivision. The lot has an existing structure that will be used for a dental lab. No further plans for enlargement or new buildings were presented at this time. The applicant has indicated that right-of-way requirements will be met, as well as any utility easements that may be necessary. The Staff sees no objection to the request, subject to:

- (a) Approval of any grading and/or drainage plans through the permit process,
- (b) dedication of additional 10' of right-of-way on Mingo Road, as per Street Plan,
- (c) access control agreement if required by the Traffic Engineering Department,
- (d) Sewer extension, and
- (e) utility easements on the north, east and south as required.

The Technical Advisory Committee and Staff recommended approval of Waiver of Plat on Z-5775, subject to the conditions as recommended by Staff.

Mr. Wilmoth advised that an access control agreement may be required by the Traffic Engineer, although it may not be needed since there is only one building on the property and only one driveway. A sanitary sewer extension and a 17½ foot utility easement has been required on the north, east and south. However, the 17½ foot width may not be necessary if the sewer is the only thing on the property. This is not a firm figure and may be less than the 17½ feet and can be worked out with the utilities.

A representative from John Moody's office was present and stated he was concerned mostly with the 17½ foot width of the easements. Mr. Wilmoth explained that most of this area will probably be rezoned and 11-foot, back-to-back easements might be granted in lieu of one 17½' easement from a single lot owner.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe "absent") to approve the request to waive the platting requirements for Z-5775, subject to the conditions recommended by the Staff.

Z-5739 - Shafer Heights (2193) NW corner of 33rd Street and S. Jamestown Avenue (RM-1)(RM-2)

This is a request to waive plat on the west 50' of Lots 7 and 8 of the above subdivision. The east 100' is already zoned RM-1 and not subject to platting. Both lots will be used as a total development for multifamily. (About 20 units could be built.) The applicant may need to obtain some zoning variances through the Board of Adjustment, although he could by proper arrangement of buildings and parking develop the tract under both RM-1, RM-2 conditions. The Staff sees no objection to the request subject to the following conditions:

- (a) Grading and drainage plans through the permit process,
- (b) sewer extension or tie contract on Lot 7, and
- (c) 11' utility easements on the north and west.

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-5739, subject to the conditions as recommended by the Staff.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe "absent") to approve the request to waive the platting requirements on Z-5739, subject to the conditions recommended by the Staff.

Z-5756 - O.T. Tulsa (192) SE corner of Boston Avenue and Archer Street (CH)

This is a request to waive plat on all of Block 58 of the Original Town of Tulsa. Since the proposed use is a parking lot and the property is already platted, the Staff sees no objection to the request. (If any grading and/or paving is done, plans will be required through the permit process.)

Plat Waiver Z-5756 (continued)

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-5756, subject to the condition.

Mr. Wilmoth explained there is a court case pending to set aside the City's right to reopen the alley. The outcome of this case would prevail over what the Planning Commission approves.

Mr. Linker explained the Legal Department has worked out a journal entry where an easement is retained for sewer line purposes. He has no problem with approval of this request.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe "absent") to approve the request to waive the platting requirement for Z-5756, subject to the following condition:

- (a) Retention of utility easement in place of the vacated alley.

B.O.A. Case No. 11812 - Romoland Addition (994) 1448 S. 131st E. Ave. (RS-2)

This is a request to waive plat on Lot 4, Block 12 of the above plat. The BOA has approved church use, subject to review of a plot plan and subject to a plat (or waiver), plus providing fire protection and providing sanitary sewer service. The applicant has submitted a plot plan and is scheduled for Board of Adjustment review on January 27, 1983. If a waiver of plat is recommended, the following shall apply:

- (a) Extension of sewer main and/or service as required by the Water and Sewer Department,
- (b) provision for fire protection, subject to the Water and Sewer and Fire Departments,
- (c) dedication of 5' of right-of-way on South 131st E. Avenue to meet the minimum Street Plan of 50',
- (d) grading and/or drainage plans through the permit process (City Engineer),
- (e) granting of any utility easements that may be required, and
- (f) 11' perimeter utility easement on the north, west and south.

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on BOA No. 11812, subject to the conditions as recommended by the Staff.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young "absent") to approve the request to waive the platting requirements for BOA Case No. 11812, subject to the conditions as recommended by Staff.

LOT SPLITS:

For Prior Approval:

- |  |   |
|--|---|
| L-15681 (894) E. A. Scherhorn              |   |
| L-15653 (2593) L.H. Miller Trust           | L-15694 (2993) Thomas Pavlock                                   |
| *L-15674 (583) Newport Realty Corp.        | L-15695 (2593) N.D. & Barbara Henshaw                           |
| L-15687 (593) Port City Electric           | L-15696 (1793) Elizabeth Park II, Ltd.,<br>an Oklahoma Corp.    |
| L-15690 (2094) Anderson Dev. Co.           |   |
| L-15691 (2593) Mingo Land Partner-<br>ship | L-15697 (1793) Elizabeth Park Townhouses,<br>a Ltd. Partnership |
| L-15698 (1093) Gary Davis                  |   |

Lot Splits: (continued)

\*Mr. Wilmoth advised that these lot splits are in order. However, Mr. Frank Hettinger, 320 South Boston Avenue, stated that L-15674 is a split off the same lot as L-15678, which is the next item on the agenda requesting a waiver. He would like to address both of these items. Mr. Wilmoth explained that L-15674 meets the Subdivision Regulations, but Mr. Hettinger disagreed. The Chairman requested an opinion from the Legal counsel and Mr. Linker replied that a potential problem exists with prior ratification; therefore, if improper approval were given, the Planning Commission should hear any objections. If it is a justified objection, the Planning Commission could recind the prior approval by filing something of record on the legal description. Mr. Wilmoth suggested deleting L-15674 from the prior approval list and list it on the agenda when more information is available or the problem may be solved when the other lot split is discussed.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to ratify the approved lot splits listed above with the exception of L-15674.

For Waiver:

L-15678 Stanley Cebuhar (583) South of 67th Street and South Florence Avenue (RS-1)

This is a request to split Lot 1, Block 1, Braniff Hills. This lot has been split several times in the past. Two lots (Tracts C & D) are shown on this drawing, but are to be split off as a prior approval on Lot-Split N. 15674. Each of the resulting tracts will meet the RS-1 Bulk and Area requirements with the exception of Tract B, which has only 20.25' of frontage. Approval of this split would be subject to the Health Department's approval and/or Water and Sewer Department's approval, whichever the applicant is able to work out, as well as approval of the Board of Adjustment.

The Technical Advisory Committee and Staff recommended approval of L-15678, subject to the following conditions.

- (a) Board of Adjustment approval,
- (b) Health Department and/or Water and Sewer Department approval, and
- (c) extension of water main into South Florence Avenue cul-de-sac.

Mr. John Rupe with Newport Realty Corporation, 6849 South Canton Avenue, explained that the waiver is for two lots comprising a total of 2 acres. One acre is topographically blocked from any other type of access other than this. A lake is contained on the tract and he is planning on keeping that lake. Mr. Rupe lives about one block from this tract and intends on maintaining the integrity of the neighborhood and will put a requirement of 3,000 square feet on the lot that is being requested.

Protestants' Comments:

Mr. Frank Hettinger represented Mr. Bill Bovaird, whose property is adjoining the tract under consideration. This area is shaped like a "bowl", with houses along the rim at street level. The proposed houses will be built in the "bowl" and a lake covers the bottom. A surveyor was employed, but has not provided results as of this date. Most of the tract designated as "B" will be under water and a good deal of Tract "A" would also be under water. Approval of the lot split would allow a house between Mr. Bovaird's house and the lake, as well as others. However, there would not be a house between the applicant's house and the lake. The area has been settled for many years and this would change the area but not for the better.

The lot presented for ratification is not an average of 100' wide. Part of the lot is in the lake. The lake is owned by several parties, but the part under application is owned by the applicants. The frontage onto the cul-de-sac is shown as sufficient; however, the surveyor's stakes that have been in place a number of years do not allow 35 feet.

Mr. Ridge Bond, 3114 East 67th Street, originally owned the lot but sold it in 1956. He has been asked to speak for Mr. and Mrs. William Huckin (adjoining property owners), Dr. and Mrs. Robert Zohler (adjoining property owners) and for adjacent property owners Mr. and Mrs. Blaine Imel, Mr. and Mrs. Wayne Goble and himself. They wish to protest this lot split for several reasons. This would result in complete disharmony for people who have lived in this area for many years. The significant point of interest is that a creek winds across this property and is at least 8 feet deep and 22 feet wide. There are also marshy areas. The present surveys do not conform to ones completed several years ago by Mr. Sisemore. The stakes vary by 8 feet.

Applicant's Comments:

Mr. Rupe realizes there is a lake on the property and will naturally not build a house in the middle, nor does he wish to destroy the integrity of the area. The protestants' concern is the blocking of views. As far as the protest concerning frontage, Mr. Bovaird's property has only a 25' frontage when a 100' frontage is necessitated. The area has sufficient land area to build a very beautiful residence. Each lot will be an acre in size. The creek will merely enhance the lots.

Protestants' Comments:

Mrs. Freida Huckin, 6706 South Florence Avenue, disagrees with this project. When the homes were developed a number of years ago, certain restrictions were imposed and development continued with the assurance the restrictions would continue. There is a good deal of concern about boundary lines and this would affect the applicant's position.

Commissioner C. Young did not think flag lots are a problem. The concern is if a residence could be located on this tract and the Planning Commission cannot say. The Staff's recommendation is based on the information provided by the applicant. Boundary problems would be solved in court and not by the Planning Commission. However, if it affects the size of the lot, the Planning Commission would be concerned. He did not think the Commission could make a decision today until more information is presented. He suggested that the protestants and applicants present a survey that all agree is correct.

L-15678 (continued)

Mr. Hettinger advised the Commission that a survey is being conducted on the lake and is to be completed in time for the Board of Adjustment hearing concerning the waiver on this lot split. Mr. Gardner informed the Commission that the Board of Adjustment would meet on February 10. Chairman Parmele suggested continuing this application for one week in order to obtain the survey and allow the parties to discuss the problems.

Mr. Rupe commented that the architect is working on a plot plan for the structure and could present this next week. Mr. Wilmoth suggested that calculations be submitted showing the average width of the lot.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to continue consideration of L-15678 and L-15674 until February 9, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center, in order to provide more information.

L-15684 Jerry Minton (883) East of the NE corner of 75th Street and South  
Lewis Avenue (RS-3)

The Chair, without objection, withdrew this application, per the applicant's request.



PUD #311 & Z-5771 (continued)

The Staff has reviewed the PUD Outline Development Plan, underlying zoning, existing physical feature and surrounding land uses and find that the PUD, as proposed, is inappropriate because of the following reasons:

- 1) The surrounding zoning patterns are RS-1, which when developed conventionally, would allow only 2 units per acre and the applicant is requesting PUD zoning to allow the applicant to develop a portion of his tract at 6 units per acre;
- 2) the actual density of the development in the surrounding area is far below the RS-1 zoning requirements, making the 6 units per acre proposed even more inconsistent; and
- 3) the physical features of the tract such as underlying limestone and lack of sewers, would require the tract if developed in a conventional manner, to have 1/2 acre lots as a minimum and larger lots could be required depending upon a percolation test.

The Code specifically states in Section 1140.1 that, "It is the intent of the Code that the aggregate intensity of use within the Planned Unit Development remain substantially the same as that which would be permitted if the area were developed conventionally,..." The Staff sees two ways the tract can be developed conventionally. First, the tract could be developed with 1/2 acre lots yielding approximately 114 lots, and secondly, the tract could be developed using a private sewer facility. If the second method were used, approximately 17 acres would be required for the facility, leaving 40 acres to be developed as RS-3 lots yielding 4 to 5 units per acre, or 160 to 200 lots.

Given the fact that the average between the two extremes (114 and 200) is 157 lots and the conventional development of the 40-acre tract at 160, the Staff would view the permitted density for this project to be no greater than 160 lots.

Based on the above review, the Staff can recommend APPROVAL of PUD #311, subject to the following conditions:

- 1) That the applicant submit a revised Outline Development Plan reflecting the changes recommended.
- 2) Development Standards:

Sewage Lagoon Area:

Gross Area:	17.57 acres
Permitted Uses:	Sanitary Sewer Treatment Facility, and Lagoon, Open Space, and related accessory uses.
Setback from property line, or housing area:	50 feet minimum

Housing Area:

Gross Area:	40 acres
Permitted Uses:	Mobile Home Dwelling Units and accessory uses such as clubhouse,

PUD #311 & Z-5771 (continued)

- swimming pool, tennis courts, etc.
- |   |                    |
|---|--------------------|
| Maximum No. of Units:                         | 160 units          |
| Maximum Height:                               | 1-story            |
| Minimum Space Width:                          | 50 feet            |
| Minimum Space Area:                           | 5,000 square feet  |
| Minimum Setbacks:                             |                    |
| From north and south property line;           | 25 feet            |
| From Centerline of 177th East Avenue;         | 85 feet            |
| One side Yard (unless otherwise specified);   | 10 feet            |
| Other Side Yard (unless otherwise specified); | 5 feet             |
| Rear Yard (unless otherwise specified);       | 10 feet            |
| Front Yard.                                   | 25 feet            |
| Minimum Off-Street Parking:                   | 2 spaces/per D. U. |
| Minimum Livability Space:                     | 1,000 square feet  |
- 3) That the property be enclosed by using a 6-foot screening fence on all sides except gate or entrance areas.
  - 4) That no boats, trailers or recreational vehicles shall be parked in the street or on the yards.
  - 5) That each lot shall have a storage building of not less than 48 square feet located in the rear yard.
  - 6) That a Detail Site Plan be submitted to, and approved by the TMAPC, prior to the issuance of a building permit.
  - 7) That a Detail Landscape Plan of the frontage along 177th East Avenue be approved by the TMAPC prior to occupancy of any units, including sign location and design.
  - 8) That no building permit shall be issued until the property has satisfied the requirements of Section 260 of the Code, submitted to and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Bob Latch did not remember any mention of 160 units maximum. At that time, the Commission was concerned about zoning the entire 57 acres because of the density at 6 units per acre. Since 17 acres have been allocated for the lagoon, the 40 acres were designed for 6 units per acre or 240 units total. It has been designed for 215 units, which is not as dense as would

Z-5771 & PUD #311 (continued)

be permitted. The lots are considerably larger than the conditions required by the Staff. He has no objection to the Staff's recommendation with the exception of the density.

Mr. Gardner explained that, with the lagoon system, the maximum development under the Development Guidelines would be RS-3. RS-3 zoning cannot be developed unless there is sewer or a lagoon system approved by the Health Department. If developed conventionally, the RS-3 would permit 4 units per acre, which is how the 160 units was derived.

Mr. Latch noted that the Planning Commission suggested he file a PUD, which he has done in this short period of time. In his request, he was not tying the plans to the 215 units because this may not be the most economical, attractive, or feasible plan, since it was done in such a short period of time. Therefore, he was submitting the 215 figure, but in his text that the final density would not exceed 240 units, in compliance with the 6 units per acre under RMH.

Protestants: Ross Hunt  
Jay Pierce

Addresses: 17910 East 15th Street  
1551 South Lynn Lane

Protestants' Comments:

Mr. Ross Hunt lives on a 5-acre tract, which is typical of the surrounding neighborhood. The largely undeveloped land to the north and east of this tract is owned by a variety of people, represented by Dr. Meyerosen, who are avidly opposed to this development. Mr. Hunt has been authorized to speak in opposition for numerous residents in the area. This proposal is not in harmony with the neighborhood because the surrounding tracts contain 1 dwelling per 5-acre tract and the proposal is for 5 dwellings per 1-acre.

The City-County Health Department has gone on record as being opposed to multifamily lagoons. Mr. Hunt has a letter to that effect, which was initiated by a letter from Commissioner T. Young. The residents already have trouble with the lagoon in the Rose Dew Addition and the Health Department has had numerous complaints on that system. The odor would be worse for the people living within the mobile home addition.

The Health Department goes on to state that the big problem with lagoon systems is getting the owners to provide adequate maintenance, even though State Health laws govern the operation and maintenance. There is also the problem of an increase in insects. Mr. Hunt doubts that the developers know the problems of a lagoon system.

The Health Department was also concerned about the nearby location of the City of Tulsa's Lynn Lane Water Treatment Plant and Reservoir. Mr. Hunt explained that the reservoir is 330 feet from the subject tract.

Mr. Hunt summarized that this proposal would be out of harmony with the existing neighborhood for a variety of reasons; the lagoon can do nothing less than create a nuisance; the adjacent neighbors are opposed to this proposal; and, the City-County Health Department is opposed to multifamily lagoon systems.

Mr. Jay Pierce recently purchased 5 acres directly south of the subject tract. He was aware of this hearing but was pretty well assured that the

Z-5771 & PUD #311 (continued)

zoning would be denied or he would not have bought. There is a culvert across Lynn Lane; and, with the heavy rains we are experiencing at the present time, a stream runs across his property and floods his pond, as well as another pond in the area, and continues to the property under application. This stream is about 6 feet wide and 2 feet deep.

Applicant's Comments:

Mr. Latch has communicated with the City-County Health Department and Mr. Drake of that Department is against an irrigation lagoon such as the one in Rose Dew Addition. However, he thinks the Health Department would be receptive to a self-dention lagoon as proposed. The State Department of Health is concerned about the irrigation-type disposal also.

In 1981 the State Health Department passed an Ordinance stating that the City of Tulsa must approve and made a co-application with the applicant on this lagoon system. Therefore, it must be proven to the City that this lagoon will operate properly and strict credentials must be presented.

Commissioner C. Young did not feel that RMH zoning would be appropriate in this area. Chairman Parmele stated it was the consensus of the Commission at the last hearing to be in favor of some RMH zoning if Mr. Latch would prepare a PUD application. The opposition was to the maximum amount of density allowed under RMH zoning on the entire tract. A PUD would limit the density not to exceed the permitted density under RS-3.

Commissioner Petty asked how much RMH would be needed to permit the density applied for in the PUD. Mr. Gardner explained that, roughly, the west 1,000 feet would be required to accommodate 160 units as recommended by the Staff. However, the PUD under application would require the west 1,445 feet be rezoned RMH. The portion advertised for CS cannot be considered. The Staff's position is, if 160 units could be developed with a lagoon under conventional development, that should be the maximum considered. Even RS-3 zoning would not be consistent with the development in the area.

MOTION was made by C. YOUNG, second by GARDNER, to approve RS-1 zoning on the entire tract.

Special Discussion for the Record:

Chairman Parmele commented that he could not support this motion because the Commission requested the applicant apply for a PUD and the Commission would favorably consider mobile home zoning. Commissioner Petty agreed with Chairman Parmele and noted that there are always protests for this type of zoning. Evidently there is a market for this type of home or developers would not be requesting zoning. Chairman Parmele agreed and stated that the Commission is trying to limit the density to RS-3 standards.

Commissioner C. Young reminded the Commission that several mobile home zonings have been approved in the last few months. Mr. Gardner noted that most of the approvals have been between Garnett and 129th, Admiral and the Expressway. In answer to Commissioner Petty's question if these should be confined to a certain area, Mr. Gardner answered that as long as these are mobile home parks and not mobile home subdivisions, these should be in special areas - corridors, in the nodes and where there is higher intensity.

Z-5771 & PUD #311 (continued)

In the future, the Staff will present a proposal of several different ways to look at mobile homes. Mobile home parks that are very commercial in nature and transient, the Staff feels should be placed in commercial-like areas at this time.

Commissioner Petty felt RS-1 zoning is too severe an action on this application.

TMAPC Action: 6 members present (Z-5771).

On MOTION of C. YOUNG, the Planning Commission voted 2-4-0 (Gardner, C. Young, "aye"; Hinkle, Miller, Parmele, Petty, "nay"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve RS-1 zoning.

MOTION FAILED.

TMAPC Action: 6 members present (Z-5771).

On MOTION of PETTY, the Planning Commission voted 4-2-0 (Hinkle, Miller, Parmele, Petty, "aye"; Gardner, C. Young, "nay"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RMH on the west 1,000 feet only:

LEGAL PER NOTICE

Z-5771: The South 950 feet of the Northwest Quarter of Section 12, Township 19 North, Range 14 East, LESS the West 150 feet of the South 425 feet of the Northwest Quarter of Section 12, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION:

Z-5771: The South 950 feet of the Northwest Quarter of Section 12, Township 19 North, Range 14 East, LESS and EXCEPT the West 150 feet of the South 425 feet and LESS and EXCEPT the East 1,614 feet, all in Tulsa County, Oklahoma.

TMAPC Action: 6 members present (PUD #311).

On MOTION of PETTY, the Planning Commission voted 4-2-0 (Hinkle, Miller, Parmele, Petty, "aye"; Gardner, C. Young, "nay"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, subject to the conditions and modifications set out in the Staff Recommendation:

LEGAL:

PUD #311: The South 950 feet of the Northwest Quarter, Section 12, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

OTHER BUSINESS:

PUD #190 Ted Ponder, Jr. The Hill Addition, between 76th & 77th Streets,  
East of Joplin Avenue

Staff Recommendation: Detail Site Plan Review - PUD #190-CL-2, Phase I.

Planned Unit Development No. 190 is located south and west of 71st Street and Sheridan Road. Area "CL-2" is located between 76th & 77th Streets, east of Joplin Avenue. It is 15.9 acres in size, vacant, and approved for 90 dwelling units. The applicant is requesting a Detail Site Plan Review for Phase I of his development.

The Staff has reviewed the PUD conditions and the submitted Site Plan and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>	<u>Remaining</u>
Area:	14.9 acres	1.7 acre	13.2 acres
Permitted Uses:	Single-Family, Duplex, Tri-plex, Four-plex, & accessory uses.	Single-Family	Same
Maximum No. of Dwellings:	90 units	1 unit	89 units
Minimum Livability Space:	4,000 sq. ft., per unit	Exceeds	Same
Maximum Height:	35'/2½ stories	Below	Same
Off-Street Parking:	2 spaces	2 spaces	2 spaces
Building Setbacks:			
Yard Abutting Street:	20 feet	20 feet	20 feet
Rear Yard:	15 feet	15 feet	15 feet
Between Buildings:	15 feet	NA	15 feet

Based on the above review, the Staff recommends APPROVAL of the Detail Site Plan for Phase I of PUD #190 Area "CL-2".

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the Detail Site Plan for Phase I of PUD #190 Area "CL-2", based on the above review.

PUD #187-6 Moore, Lot 11, Block 2, Shadow Mountain

Staff Recommendation: Minor Amendment.

Planned Unit Development No. 187 is located south and west of 61st Street and Memorial Drive. The subject tract is one lot in size and located at the southwest corner of 62nd Place and 75th East Avenue. The applicant is requesting a minor amendment to reduce his rear yard from 20 feet to 15 feet.

The Staff has reviewed the PUD conditions, aeriels, and submitted a plot plan and find that because of the size of the house, the setbacks required for a corner lot, and the orientation of the proposed building to surrounding buildings, we can support the request as being minor in nature.

PUD #187-6 (continued)

Therefore, the Staff recommends APPROVAL of a Minor Amendment to PUD #190 to reduce the rear yard requirement on Lot 11, Block 2, Shadow Mountain Addition from 20 feet to 15 feet, subject to the Plot Plan submitted.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve this Minor Amendment to PUD #187, subject to the Plot Plan submitted.

PUD #179 El Paseo Addition, Lots 3B, 4A and B, 5A and B, Block 2

Staff Recommendation: Amended Covenants Review.

PUD #179 is located south and east of 71st Street and South Memorial Drive. The subject tracts are more specifically located at the southwest corner of 85th East Avenue and 73rd Street South. A Detail Site Plan was approved originally on December 23, 1981, and it was revised on December 22, 1982, to accommodate a lot split application approval. During this process changes occurred that made the final Detail Site Plan inconsistent with the original covenants filed of record on the property. The applicant is now requesting approval of an amended set of covenants that will eliminate these inconsistencies.

The Staff has reviewed the original covenants, the amended covenants, the original Detail Site Plan, and the revised Detail Site Plan and find that the requested changes in the covenants now accurately reflects the approved Detail Site Plan. Therefore, the Staff recommends APPROVAL of the Amended Covenants for Lots 3B, 4A & B, 5A & B, Block 2, El Paseo Addition, subject to legal review.

Mr. Russell Linker has reviewed these amended covenants and could recommend approval.

Mr. Christopher Bernard presented two amendments to the Deed of Dedication, along with a letter of explanation (Exhibit "B-1"). The only difference is that one has to be signed by all the parties if it should be determined through the original covenants that all the properties owners must sign. Mr. Linker stated he had raised the same question to the Staff. It was his contention that the choice was up to the Commission and to the people passing on the title to determine whether this is an adequate amendment to the covenants. The applicant explained that there are several parties involved. Mr. Linker had no problem with the Commission signing both amendments, since the contents are the same.

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve and execute the amended Covenants for PUD #179, Lots 3B, 4A & B, 5A & B, Block 2, as submitted.



PUD #128-B and Z-5804 Norman (ORU) East of South Wheeling Avenue and North of East 81st Street South

Mr. Charles Norman represented Oral Roberts University and explained this request involves two tracts of land immediately opposite existing married student housing on Wheeling Avenue north of 81st Street. The tracts back up to the relocated Fred Creek and also back up to property approved for Corridor zoning, which is the site for the Directory Hotel. The Directory Hotel is located on land owned by Oral Roberts and leased to a developer. Mr. Oral Roberts is considering an additional 400 units of married student and facility housing. He would like to have these units available for the opening of classes in August. In order to accomplish this goal, it is necessary to amend the original PUD and request consideration of multifamily zoning, consistent with the development in this area within the last 10 years since the original PUD was approved. Early public hearing on these applications is the only way to process this matter. Mr. Norman also submitted a letter explaining this request (Exhibit "C-1").

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hinkle, Miller, Parmele, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Hennage, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the request for early public hearing on PUD #128-B and Z-5804.

SPECIAL REQUEST:

Mr. Linker requested that the Staff submit copies of the Staff recommendations concerning PUDs, as well as the Staff's recommendation on Subdivisions and Lot Splits, to his office prior to the TMAPC meetings. Mr. Gardner agreed that the minutes of the T.A.C. meeting could be forwarded to the Legal Department approximately a week in advance of the meeting and copies of the Staff recommendations on PUDs could be submitted the morning before the TMAPC meeting. Mr. Linker explained that the Staff does call his office to inform him of any potential problems, but some problems cannot be foreseen.

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

Date Approved

February 16, 1983

Cherry A. Kempe  
Chairman

ATTEST:

Robert J. Young  
ACTING Secretary