

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1588  
Wednesday, January 22, 1986, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

| <b>MEMBERS PRESENT</b>        | <b>MEMBERS ABSENT</b> | <b>STAFF PRESENT</b> | <b>OTHERS PRESENT</b> |
|-------------------------------|-----------------------|----------------------|-----------------------|
| Carnes                        | Kempe, Chairman       | Frank                | Linker, Legal         |
| Doherty                       | Selph                 | Gardner              | Counsel               |
| Draughon                      | Young                 | Setters              |                       |
| Paddock, Secretary            |                       |                      |                       |
| Parmeale                      |                       |                      |                       |
| VanFossen                     |                       |                      |                       |
| Wilson, 1st Vice-<br>Chairman |                       |                      |                       |
| Woodard                       |                       |                      |                       |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 21, 1986 at 11:45 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice Chairman Wilson called the meeting to order at 1:35 p.m.

**MINUTES:**

**Approval of Minutes of January 8, 1986, Meeting No. 1586:**

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **5-0-3** (Carnes, Doherty, Draughon, VanFossen, Woodard, "aye"; no "nays"; Paddock, Parmeale, Wilson, "abstaining"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Minutes of January 8, 1986, Meeting No. 1586.**

**Approval of the 1986 "TMAPC Meeting Dates & Cut-Off Times"**

On **MOTION** of **DOHERTY**, the Planning Commission voted **5-2-1** (Doherty, Paddock, Parmeale, VanFossen, "aye"; Carnes, Woodard, "nays"; Wilson, Draughon, "abstaining"; (Kempe, Selph, Young, "absent") to **APPROVE** the **1986 "TMAPC Meeting Dates & Cut-Off Times".**

**REPORTS:**

**Chairman's Report:**

First Vice Chairman Wilson introduced new Planning Commissioner Bob Parmeale to the TMAPC.

REPORTS:

Committee Reports:

Mr. VanFossen advised of a joint Committee meeting of the Comprehensive Plan and Rules & Regulations Committees held this date to discuss the Special Housing Needs Recommendations. The Committees will meet again next Wednesday, January 29th to finish discussions on the recommendations.

Mr. Paddock advised the **Rules & Regulations Committee** voted to recommend amending the TMAPC Rules of Procedures in reference to the six month hearing rule. In response to Mr. VanFossen, Mr. Gardner explained how "may be found" cases are affected by the revised ruling.

On **MOTION of CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE the Recommendation of the Rules & Regulations Committee to Revise the TMAPC Rules of Procedure, Item G.7** to read: The Commission shall not rehear a zoning application on the same property for a period of six months after action on the application has been taken by the Commission, unless said application is amended to a land use which is in accordance with the Comprehensive Plan.

CONTINUED ZONING PUBLIC HEARING:

Sharp Industrial Tracts (2473)

401 West 161st Street South

(AG)

First Vice Chairman Wilson advised a continuance to February 5, 1986 has been requested on the Preliminary Approval of this Plat, and verified with Staff this date would be appropriate.

On **MOTION of CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **CONTINUE Consideration of Sharp Industrial Tracts** until Wednesday, February 5, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

Quail Ridge Amended (PUD 221)(2894) East 44th & South 131st East Ave. (RS-3)

8800 Quebec Extended (1683) 87th & South Pittsburg (RS-3)

First Vice Chairman Wilson advised there has been a request to strike the above Plats for Final Approval and Release from the agenda. Hearing no objection from the Commission, the items were stricken.

\* \* \* \* \*

L-16580 AsbIII (3214) E/side North 117th East Avenue (AG)

The applicant for this Lot Split for Waiver has requested a continuance to February 5, 1986.

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **CONTINUE Consideration of L-16580 AsbIII** until Wednesday, February 5, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

PUD 260-A-1 Minor Amendment for Signs & Detail Sign Plan  
NE/c 71st & Yale Avenue

Mr. Larry Kester, architect, advised the request for continuance was due to a misunderstanding on the applicant's part (Steak & Ale).

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **CONTINUE Consideration of PUD 260-A-1** until Wednesday, January 29, 1986 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

**PUBLIC HEARING**  
**TO CONSIDER**  
**AMENDING THE MAJOR STREET AND HIGHWAY PLAN,**  
**A PART OF THE COMPREHENSIVE MASTER PLAN FOR DEVELOPMENT**  
**OF THE TULSA METROPOLITAN AREA PERTAINING TO**  
**REDESIGNATION OF RIVERSIDE DRIVE**  
**FROM THE INNER DISPERSAL LOOP TO I-44,**  
**AND ADOPTION OF STANDARDS FOR SPECIAL TRAFFICWAYS.**

Comments & Discussion:

Mr. Steve Compton presented the nature of the amendment relating to Riverside Drive, and reviewed actions taken by TMAPC and TMATS in regard to the Riverside Corridor over the past 15 - 20 years. Mr. Compton advised the amendment would delete the expressway designation on Riverside from the Inner Dispersal Loop to I-44 and redesignate this area as a Special Trafficway. Mr. Compton then reviewed the proposed Special Trafficway standards.

Mr. Paddock commented on actions by the Arkansas River Task Force in regard to Riverside Drive and, stating support of the amendment, made a motion to adopt the amendment as proposed.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **ADOPT** the Amendment to the Major Street and Highway Plan, a part of the Comprehensive Master Plan for Development of the Tulsa Metropolitan Area pertaining to **Redesignation of Riverside Drive from the Inner Dispersal Loop to I-44**, and **ADOPT** the Standards for Special Trafficways, as follows:

- 1) Deletion of the expressway designation on Riverside Drive between the southeast corner of the Inner Dispersal Loop and I-44.
- 2) Designation of Riverside Drive as a Special Trafficway between 11th Street and I-44.
- 3) Adoption of standards for Special Trafficways, as follows:
  - a) Minimum right-of-way width of 100 feet;
  - b) Located east of the existing west curb line of Riverside Drive; and,
  - c) Allow the TMAPC the right to waive the minimum where appropriate if the entirety of the 100 foot minimum is not necessary.

SUBDIVISIONS:

PRELIMINARY APPROVAL:

Southern Hills Church of Christ (2783) SE/c East 101st & South Granite (AG)

The Health Department advised that percolation tests were necessary prior to Planning Commission review, and Mr. Wilmoth advised these had been completed. Mr. Wilmoth also advised the Board of Adjustment has limited this application to church use.

The TAC recommended approval of the PRELIMINARY Plat of Southern Hills Church of Christ subject to the following conditions:

- 1) Improvement on South Granite Avenue is required. (Applicant may request a phasing of the improvements, but it must be improved as a part of this plat.) If the street cannot be built at the time of platting, the applicant may seek relief so that bond could be posted and assurances made that the street would be built. This would require City Commission approval.
- 2) Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines. Show access easement to "Reserve A".
- 3) Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language for W/S facilities in covenants).
- 4) This property is located within the area served by the Haikey Creek Sewage Treatment Plant and will require a statement concerning sewer availability within the covenants.
- 5) Applicant should verify church pad elevation with Water and Sewer Department for possible future sanitary sewer.
- 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 Stormwater Management, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.
- 8) A topo map shall be submitted (with drainage plans) for review by the TAC (Subdivision Regulations).
- 9) Limits of Access shall be shown on the plat as approved by City and/or Traffic Engineer. Include applicable language in covenants. Clarify the locations and widths on plat. Omit access points on Granite. Extend LNA around corners at 101st.

Southern Hills Church of Christ - Cont'd

- 10) Covenants:
  - a) Use "standard D/D language" for A, B, & C.
  - b) Include language for access limitations, septic system and Storm water detention (specify uses for "Reserves").
- 11) Show 35' building line on 101st and 30' building line on Granite on "Reserve B".
- 12) The method of sewage disposal and plans, therefore, shall be approved by the City/County Health Department. (If on septic system, percolation tests required prior to Planning Commission review.)
- 13) 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.)
- 14) The method of water supply and plans therefore, shall be approved by City/County Health Department.
- 15) The key or location map shall be complete. (Country Gentlemen Estates is S/2, SW/4, NW/4.
- 16) A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged.)
- 17) 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 Subdivision Regulation.
- 18) All Subdivision Regulations shall be met prior to release of final plat.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Preliminary Plat for Southern Hills Church of Christ**, subject to the conditions as recommended by Staff.

\* \* \* \* \*

Kingsridge Estates, Blk 5 (Resub.) (PUD-281)(183)

SW/c 64th Street & South 91st East Avenue (RS-3)

This plat was reviewed by the TAC on 8/15/85 and a preliminary approval recommended. At that time an amendment to the PUD had not been done so the plat was "tabled" and not taken on to the Planning Commission for approval. Subsequently the Planning Commission approved amendments and site plans on 12/18/85. This plat is now being resubmitted to comply with the changes that were made. All interior streets will still be private and no individual lots will be shown since it will be all under one ownership or management.

Kingsridge Estates - Cont'd

Staff was concerned that the graphics of the plat were not quite clear which was "Utility Easement" exclusively and which was "Access Easement" exclusively. Also the building lines were measured from the "curb line" in the PUD process and site plan review. Staff suggested that the driving surface and/or paving be shown by shading, with dimensions to the building lines. This is to clarify graphically the setback conditions of the PUD. Covenants had been revised to fit the new PUD conditions.

Stormwater Management advised that an application for a Class B Watershed Development Permit will be required. Comply with PFPI #2369 and #192. Some change order may be necessary.

The TAC voted to recommend approval of the PRELIMINARY Plat of Kingsridge Estates, Block 5 Resub., subject to the following conditions:

- 1) All conditions of PUD #281 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 Section 1100-1170 of the Zoning Code.
- 2) Utility easements shall meet the approval of the utilities. A distinction between the utility easements and the mutual access easement may be necessary, even if the entire area is for utility and access uses. This should be clearly specified in the restrictive covenants and on face of plat.
- 3) Covenants shall be revised to meet the conditions outlined in the latest PUD amendments on 12/18/85.
- 4) The drainageway has previously been referred to as "Reserve B" and the private streets as "Reserve A". Staff recommends these designations be consistent with the previous plats to avoid some possible confusion.
- 5) Water plans shall be approved by the Water and Sewer Department prior to release of final plat.
- 6) Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer 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 release of final plat.
- 8) A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (Already done #192. Comply with previous plans.) Also comply with PFPI #2369 (Change order may be necessary.)
- 9) Paving and drainage plans shall be approved by Stormwater Management, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.

**Kingsridge Estates, - Cont'd**

- 10) Update location map. (Show "SE Square" at 61st and Memorial).
- 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.

Comments & Discussion:

Mr. Draughon inquired as to the Class B Watershed Development Permit, and Mr. Wilmoth explained this is a requirement of Stormwater Management. Mr. VanFossen briefly explained the class has something to do with the size of the lot and if the property is in a floodplain area.

On **MOTION** of **PADDOCK**, the Planning Commission voted **7-1-0** (Carnes, Doherty, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Preliminary Plat for Kingsridge Estates, Block 5, Resub.**, subject to the conditions as recommended by Staff.

FINAL APPROVAL & RELEASE:

County Line Food Mart (2484)      NW/c East 101st & South 193rd East Avenue (CS)

On **MOTION** of **WOODARD**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Final and Release of Plat for County Line Food Mart**, as recommended by Staff.

EXTENSION OF PRELIMINARY APPROVAL:

8800 Quebec Extended (1683)      87th & South Pittsburg      (RS-3)

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Extension of Preliminary Approval for One Year for 8800 Quebec**, as recommended by Staff.

CHANGE OF ACCESS ON RECORDED PLAT:

Tiffany Park (1894)

South of the SW/c of 21st & Garnett

(CS)

Mr. Wilmoth advised the purpose of the request to change access was to add one access point, which will tie in with existing "Mutual Access Easement" on the plat. The lot, as platted, had no direct access to the street. The Traffic Engineer and Staff recommend APPROVAL of this request.

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Access Change on the Recorded Plat for Tiffany Park**, as recommended by Staff.

AMENDMENT TO DEED OF DEDICATION:

Guler Woods IV East (PUD 292)(883)

7500 Block South Harvard Avenue (RS-1 & 2)

This is an amendment to the Deed of Dedication on the above named plat for the purposes of adding three lines to the paragraph dedicating the streets and easements. This is a private street, but this amendment will allow public agencies (City, County, State, etc.) to enter the subdivision. This was omitted when the plat was filed. This is a PUD, but this amendment in no way affects the provisions of the PUD. This has been reviewed by City and Legal Departments, with no objections being raised. Staff advised this was a housekeeping item and recommended APPROVAL.

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Amendment to the Deed of Dedication for Guler Woods IV East**, as recommended by Staff.

WAIVER OF PLAT:

BOA 13897 Henry Addition (2502)

2235 North Norfolk Avenue

(RM-1)

This is a request to waive plat on Lots 14 & 15, Block 3 of the above addition. An existing church is on Lot 16 and an addition to the north will add 16' x 60' which will overlap into Lot 15. Other lots shown outlined by a dashed line are either existing parking or proposed parking. (Only part "subject to a plat" is Lots 14 & 15, since the church is Use

**BOA 13897 Henry Addition - Cont'd**

Unit 5. Parking lots are shown for information.) Since this is already platted and the church use already established, Staff had no objection, noting that Stormwater Management approval will be required for any grading and drainage through the permit process. (Class B permit).

The TAC voted to recommend approval of the waiver of plat on BOA 13897, subject to the following conditions:

- a) Paving and drainage plan approval required in the permit process.
- b) Six foot utility easements parallel to each side of alley.

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Waiver of Plat for BOA 13897 Henry Addition**, subject to the conditions as recommended by Staff.

LOT SPLITS FOR WAIVER:

L-16579 Reeh (1993) East of the SE/c 35th Place & Quincy Avenue (RS-3)

The applicant is requesting to split a 100' x 140' tract into two 50' x 140' lots. The western 50' of the lot contains a residence, while the eastern 50' is vacant. This lot split will require a variance of the bulk and area requirements in the RS-3 district from the City Board of Adjustment. The Staff checked the existing land use in the area and found that most of the lots in the area are 50' in width and are zoned RS-3. Based on this information, the Staff recommends approval of this request, subject to the approval of the City Board of Adjustment.

The TAC voted to recommend approval of L-16579, subject to the following conditions:

- a) Board of Adjustment approval of 50' lot width.
- b) Class B Watershed Development Permit required for development of vacant lot.
- c) An 11' utility easement along the south side (to cover existing utilities, etc.).

Comments & Discussion:

Mr. Wilmoth advised condition (b) was for information only and not a condition of approval for release of the deed. Discussion followed on this item, as there appeared to be some confusion as to the new Stormwater Management regulations. The final consensus was to add the wording, "if required by the Ordinance", to item (b).

L-16579 Reeh - Cont'd

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to APPROVE the Lot Split Waiver for L-16579 Reeh, subject to the following conditions:

- a) Board of Adjustment approval of 50' lot width.
- b) Class B Watershed Development Permit required for development of vacant lot, if required by the Ordinance.
- c) An 11' utility easement along the south side (to cover existing utilities, etc.).

\* \* \* \* \*

L-16588 General Telephone (1984) NW/c of 101st Street & Garnett Rd. (AG)

This is a request from General Telephone Company to split a 100' x 175' lot from a 20 acre tract for an unmanned telephone switching station. This tract will require a variance from the City Board of Adjustment because it's size is below the minimum allowed in the AG district. The Staff recommends approval of this request subject to the following requirements.

- 1 ) Approval from the City Board of Adjustment for a variance of the Bulk and Area requirements.
- 2 ) Right-of-way dedicated to the City of Tulsa for the total of 60 feet of right-of-way required for 101st street.
- 3) Approval from the City/County Health Department for water and sewer disposal, if required.
- 4) Grading and drainage plan approval by Stormwater Management through the permit process. (Class B Permit)
- 5) 17 1/2' utility easement on west side of tract.

The Health Department advised, since the lot is too small for septic, that their approval would be based upon sewer connection when available. (No plumbing will be needed for this unmanned equipment switching station.)

The TAC voted to recommend approval of L-16588, subject to the five conditions outlined by Staff.

Comments & Discussion:

As discussed in the previous lot split waiver, the wording "if required by the Ordinance" was suggested for Item 4 in reference to drainage plan approval by Stormwater Management.

**L-16588 General Telephone - Cont'd**

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Lot Split Waiver for L-16588 General Telephone**, subject to the following conditions:

- 1 ) Approval from the City Board of Adjustment for a variance of the Bulk and Area requirements.
- 2 ) Right-of-way dedicated to the City of Tulsa for the total of 60 feet of right-of-way required for 101st street.
- 3) Approval from the City/County Health Department for water and sewer disposal, if required.
- 4) Grading and drainage plan approval by Stormwater Management through the permit process, Class B Permit, if required by the Ordinance.
- 5) 17 1/2' utility easement on west side of tract.

**LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

|                         |                          |
|-------------------------|--------------------------|
| L-16584 (2903) Harney   | L-16591 (3402) Gilcrease |
| L-16587 (3691) Cantrell | L-16593 (2493) Spicer    |
| L-16589 (1312) Sperry   | L-16594 (1923) Eiler     |
| L-16590 (1713) Gregory  |                          |

Mr. Wilmoth advised all was in order for the above lot split applications and Staff recommended APPROVAL.

On **MOTION** of **WOODARD**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the above listed **Lot Splits for Ratification of Prior Approval**, as recommended by Staff.

**LOT SPLITS FOR DISCUSSION:**

**L-16573 Baumgarten (1793)** NE/c East 26th Street & Delaware Place (RS-2)

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

L-16573 Baumgarten - Cont'd

This had previously been submitted as a "waiver", however, the applicant has redesigned his lot. With the applicant agreeing to dedicate an additional 5' of right-of-way on 26th and the split now meets all the zoning requirements and Subdivision Regulations. An existing sewer line crosses the property, but a building can either be designed to go around it or the applicant can relocate at his expense.

Comments & Discussion:

Mr. Draughon inquired as to what agency follows up to see if a building is, in fact, redesigned around the sewer lines or if the sewer line is relocated, and assures that the abstract is updated. Mr. Wilmoth stated that a case such as this would not go on an abstract, because to design around a sewer line, all a person has to do is get a building permit. If the sewer line is relocated, then an easement will have to be replaced, which would have to go through the Water and Sewer Department, and would be recorded. When a sewer line and an easement is relocated it is processed through the City Commission, City Engineering Department and the Water and Sewer Department with notices being given to surrounding property owners. After processing, it is recorded on an abstract.

Applicant's Comments:

Mr. Ray Baumgarten, 6321 East 76th Place, advised the TAC recommended he meet the 9,000 square foot requirement, and to do this he added the section on the northwest end of the lot (3' x 50' approximately). Mr. Baumgarten stated he had discussed the sewer line location with PSO and the City concerning the easement.

Interested Parties:

Mr. Ralph Smith Jr., 2844 East 26th Street, stated his house faces north, across from the subject property. Mr. Smith submitted a drawing showing the building lines and easements, as well as the setbacks. Mr. Smith stated the average size lot in the neighborhood is 16,000 plus square feet with most of the homes being larger homes, and the maximum the applicant's house could be is 40' wide. Mr. Smith contacted the Sewer Department and was advised the possibility of moving a sewer line was nil. Also submitted by Mr. Smith was a petition asking for denial and letters of protest. Mr. Smith stated it would be impractical to build a house on this lot, as it would be in the backyard of another house, it would face differently than the other houses, and would look very much out of context with the neighborhood.

Mr. VanFossen commented he had driven by this property and there were houses on block west and the block east of this tract that had houses facing south. In reply to Ms. Wilson, Mr. Gardner advised there were lots comparable to this lot on the west side of Delaware, north of 26th Street. Mr. Gardner stated the problem appeared to be that most of the lots were developed to RS-1 standards, yet the area is zoned RS-2. In response to Mr. Doherty, Mr. Gardner commented this area has several new

- 3) The PUD was approved by the TMAPC on September 28, 1983 and concurred in approval by the City Commission on November 1, 1983 (see attached minutes).
  - a) **Fencing:** Condition 4 requires that a 6' wood fence "...be constructed and/or maintained along the north and east boundary..." of the apartments.
  - b) **Landscape:** Condition 5 required a Detail Landscape Plan, which was approved by the TMAPC on March 27, 1985 and required a "...significantly landscaped buffer area of not less than 10 feet along the north and east..." boundaries. Inspection of the Site indicates that the conditions of the approved Landscape Plan have not been complied with and simple compliance would significantly increase the privacy of abutting residents to the north and east.
  - c) **Parking:** The PUD required 1.676 spaces per unit or 429 spaces total. The "As Built" survey indicates 404 spaces have been built. This would reduce the parking ratio from 1.676 to 1.5781 spaces per unit.

Applicant's Comments:

Mr. William B. Jones, 201 West 5th, representing the applicant, informed the Commission of a meeting with the homeowners to discuss problems mentioned at the last TMAPC meeting. Mr. Jones advised Barnett-Range had agreed to:

- 1) Construct an 8' solid wood fence, at their expense, in accordance with the Code on the entire north and east side. Barnett-Range will get approval of the homeowners to remove the existing fence, and will take care of any drainage during fence construction. Mr. Jones stated they have solicited bids from fence companies and will proceed as quickly as possible.
- 2) Remove the two pillars and top of the shelter over the shuffleboard court, but leave the court and bench. Mr. Jones advised they will be submitting a minor amendment, as the shuffleboard and bench were not on the Detail Site Plan.
- 3) Add landscaping and have the City Inspectors verify they are in compliance. If not, they will add landscaping accordingly.
- 4) A 75% nonelderly to 25% elderly ratio of tenants.

Interested Parties:

Mr. Mike Wallace, 9935 South 67th East Avenue, representing the homeowners in the area, confirmed the agreements reached with Barnett-Range and stated a request to have the items completed within 30 days, weather permitting.

Mr. Paddock asked Mr. Wallace if he would be agreeable to substituting the wording "senior citizen" in place of stating an age, as suggested by Mr. Jones. Mr. Wallace stated agreement. Mr. Draughon suggested placing the elderly percentage of tenants in the units next to the homeowners side, and asked Mr. Wallace his opinion. Mr. Wallace stated he would be very agreeable to this suggestion, if it could be done. After reviewing the landscape drawings submitted with the original PUD, Mr. VanFossen stated it appeared the landscaping does meet what was approved, although he felt closer observation was needed before approving these plans.

Additional Comments & Discussion:

Ms. Wilson stated it appeared the suggested change to the fence was different than what was approved on the PUD, and asked Staff if it would require an amendment or if this might be considered a private agreement outside the PUD. Mr. Gardner advised that there was nothing in the restrictive covenants that would need to be changed. Based on the agreements between the homeowners and Barnett-Range, the Commission would just need to state a new recommendation as to what they feel is necessary.

Mr. Jones stated they would comply with the landscaping plan and set a 25% minimum for leasing to the elderly. Mr. Jones commented they have 404 parking spaces currently and to add more they would have to give up some much needed livability space.

Mr. Carnes made a motion to approve the minor amendment, conditional to the stated agreements between the developer and the homeowners. Mr. Draughon asked Mr. Jones if, when the City sold the tax-exempt bonds for construction of this project, the bonds were issued on the basis that the developer was going to build the complex exclusively for the elderly. Mr. Jones replied the regulations stated that the amenities used in the construction of the apartments would be, and remain, for senior citizen needs. Ms. Wilson asked Legal if stating in the conditions, "senior citizen to be herein defined 55 years of age or older", would present a problem with enforcing it. Mr. Linker pointed out it would be very difficult to enforce this, due to possible discrimination actions, but the restriction as to the type of amenities is something that can be enforced. Mr. Paddock suggested, in view of the wording used by the Federal government in the eligibility for the tax-exempt bonds, using the wording "senior citizen" in lieu of "elderly". Mr. Linker stated that, in Legal's point of view, they would certainly prefer using that wording.

First Vice Chairman Wilson recognized Mr. Wallace who inquired as to the enforcement of the leasing to senior citizens, as Barnett-Range only has to make available 25% of the units for senior citizens. Mr. Linker stated it is keyed to the parking requirement, as parking spaces would have to be increased if Barnett-Range got away from senior citizen leasing. Mr. Carnes made a motion to approve this request, incorporating as conditions the mentioned agreements between Barnett-Range and the homeowners. In reply to Mr. Draughon regarding the enforceability of a request to provide

names and ages of the tenants, Mr. Linker advised that it would be difficult to ask for ages, as this could possibly promote discrimination

On **MOTION** of **CARNES**, the Planning Commission voted **7-1-0** (Carnes, Doherty, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Minor Amendment to Permit Leasing to Other than Elderly under PUD 339-1**, subject to the following conditions:

- 1) Compliance with the original PUD landscaping plan.
- 2) Removal of the concrete structure over the shuffleboard court, with the court and bench remaining.
- 3) Removal of the existing 6' fence, construction and maintenance of an 8' solid wood fence on the entire north and east boundary (with the smooth side on the homeowner's side). Barnett-Range will be responsible for drainage and dirt removal during construction and is to attach the main fence to the sideyard fence.
- 4) Set a 25% minimum for leasing to senior citizens.
- 5) TMAPC acceptance of the 404 parking spaces.

\* \* \* \* \*

PUD #131-C:

1308 South Garnett Road

Staff Recommendation - Detail Sign Plan

The proposed use of the subject property is for a Braum's Ice Cream Store. The Detail Site Plan was approved by the TMAPC on December 18, 1985. Underlying zoning on the subject tract is CS. According to the approved PUD, all signs shall be subject to the general requirements of Section 1130.2(b) of the PUD Chapter of the Zoning Code. The proposed sign is an Internally lighted pylon sign 24' tall with a display surface area (one side) of less than 140 square feet. A non-flashing wall sign is also proposed which has an area of 24 square feet.

Staff review of the proposed Detail Sign Plan indicates that it is in accordance with the PUD Chapter of the Zoning Code; therefore, Staff recommends APPROVAL of the Detail Sign Plan.

On **MOTION** of **PARMELE**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Detail Sign Plan for PUD #131-C**, as recommended by Staff.

\* \* \* \* \*

Z-5498-SP-1-C:

7900 South Lewis

Staff Recommendation - Minor Amendment for Signs and Detail Sign Plan

**MINOR AMENDMENT:** The approved CO conditions of the Site Plan permit two ground signs, one on each arterial street frontage not to exceed 25' tall and 12' in width. The submitted Sign Plan proposes one ground (pylon) sign 25' tall x 15' wide with a reader board. A wall sign is also proposed to be 2' tall and installed over the front canopy replacing a similar existing sign. One sign is also proposed along the north building facade at the 11 story level with 3'4" tall letters which is not considered excessive based on the CO zoning, hotel uses, scale of the building and zoning and uses of adjacent property; further, this sign would be in compliance with the Zoning Code.

Staff recommends that the sign width be APPROVED to be increased from 12' to 15' per the submitted Plan.

**DETAIL SIGN PLAN:** The proposed signage is as discussed above in the Minor Amendment and as follows: one pylon sign; one wall sign over the building canopy; and one wall sign near the top of the north building facade. Staff recommends APPROVAL of the Detail Sign Plan subject to approval by the TMAPC of Z-5498-SP-1-C Minor Amendment and subject to the submitted Detail Sign Plan as revised or amended herein.

Comments & Discussion:

Mr. Paddock inquired as to the basis for granting CO on this tract. Mr. Gardner advised that the area used to have an expressway designation.

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Selph, Young, "absent") to **APPROVE** the **Minor Amendment for Signs and the Detail Sign Plan for Z-5498-SP-1-C**, as recommended by Staff.

\* \* \* \* \*

Mr. Gardner advised the TMAPC Election of Officers needs to be set for next week's agenda. Staff has asked Stormwater Management to address the TMAPC on the new ordinances. There will be a one hour presentation on February 19th, and Mr. Gardner asked the Commission to keep in mind this talk will be to explain, but not justify the new ordinances which have already been approved by the City Commission.

There being no further business, the First Vice Chairman Wilson declared the meeting adjourned at 4:15 p.m.

Date Approved 2-5-86  
Rant J. [Signature]  
Chairman

ATTEST:  
[Signature]  
Secretary