

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1319
Wednesday, July 23, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Avey Gardner Holliday Keith Keleher, 2nd Vice Chairman Kempe, Secretary Parmele, Chairman T. Young	Eller Inhofe Petty C. Young	Alberty Crowley Gardner Howell	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, July 22, 1980, at 10:18 a.m., as well as in the Reception Area of the TMAPC Offices.

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

MINUTES:

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to approve the Minutes of July 9, 1980 (No. 1317).

REPORTS:

TMAPC Claims:

On MOTION of GARDNER, the Planning Commission voted 7-0-0 (Avey, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to approve the 1979-1980 and 1980-1981 TMAPC Claims (attached).

DIRECTOR'S REPORT:

Personnel Actions:

On MOTION of GARDNER, the Planning Commission voted 7-0-0 (Avey, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to approve the Personnel Actions (Exhibit "A-1") submitted this date.

Dr. Crowley presented a letter of resignation (Exhibit "B-1") effective August 1, 1980. The letter noted the achievements of the TMAPC during the past two years and the goals to be undertaken in the future. Dr. Crowley advised that he would step aside now to facilitate a beginning in staff consolidation.

CONTINUED ZONING PUBLIC HEARING:

Z-5417 John Rupe (Tundra Properties) NW corner of 21st Street and 177th
East Avenue AG to CS

Z-5418 John Rupe (Tundra Properties) NW corner of 21st Street and 177th
East Avenue AG to RMH

The Staff advised that the applicant had filed a companion PUD and requested a continuance of the zoning applications to allow time for the Technical Advisory Committee to review the proposed PUD. The T.A.C. Committee will review the PUD on August 14, 1980.

Approximately 30 protestants were present at the meeting and were advised that they would receive a copy of the PUD for their review as soon as it was submitted to the TMAPC Staff. The protestants agreed to the continuance of the zoning applications.

On MOTION of KELEHER, the Planning Commission voted 7-0-0 (Avey, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to continue zoning applications Z-5417 and Z-5418 to August 20, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5412 John Sublett (Bob Mitchell) SW corner of East 49th Street and
South Harvard Avenue RS-3 & RM-1 to CH

PUD #238 Roy Johnsen (Bob Mitchell) SW corner of East 49th Street and
South Harvard Avenue (CS, RM-1 & RS-3)

Two protestants were present at the meeting and requested a continuance of these applications to allow time to study the Planned Unit Development proposal.

A letter (Exhibit "C-1") was exhibited from Victor Ellis, attorney for two protestants, John A. Ladner and Joe Deal. The letter requested a continuance of the application to allow further study of the proposed zoning change.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to continue applications Z-5412 and PUD #238 to August 20, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING

Application No. Z-5423 Present Zoning: RM-2
Applicant: Doug Hofer (Hall & Wilcox) Proposed Zoning: OL
Location: NE corner of 8th Street and Owasso Avenue

Date of Application: June 3, 1980
Date of Hearing: July 23, 1980
Size of Tract: 45' x 140'

Presentation to TMAPC by: Joe Hodgins
Address: 16 East 16th Street Phone: Unknown

Applicant's Comments:

Joe Hodgins advised that the applicant proposes remodeling the existing dwelling, which is in very poor condition, into a one-story professional office building. The entrance will be changed from Owasso to 8th Street so it will be less noticeable to the surrounding residents. Working hours will be 8:00 a.m. to 5:00 p.m., Monday through Friday. Mr. Hodgins stated he felt the office building would be an asset to the area.

Protestants: Opal E. Roth Address: 640 South Peoria Avenue
Dick Borden 650 South Peoria Avenue
Letha Fye 711-709 South Owasso Avenue
Christine Harrison Unknown

Protestant's Comments:

Opal E. Roth stated there are existing parking problems in the area due to downtown workers who park there as well as patrons of the Family & Children's Service, Inc. The cars park on the streets and fill the alley making it virtually impossible for them to get into their driveway. The traffic is very congested with many accidents occurring at the 8th and Peoria location. Mrs. Roth advised that this is a small neighborhood and she did not feel the office would be an asset to the residents.

Dick Borden, Executive Director of Family & Children's Service, Inc., stated he was concerned with the proposed zoning change since it would compound the parking problems for the agency and the surrounding area. Mr. Borden advised that it was difficult to see how the existing building can be remodeled so it can be used since it is in such poor condition.

Letha Fye advised that she didn't feel the existing building, remodeled, would be an asset to the neighborhood. She urged denial of the application.

Christine Harrison stated that she lives next door to the subject tract and felt that the property is too small for a business.

Interested Party: James R. Thrush

Interested Party's Comments:

James R. Thrush, appearing on behalf of the American Legion No. 1, stated the Post is considering making some improvements to their property and they questioned the wisdom of changing the zoning on the subject tract. Mr. Thrush advised that the organization operates

Z-5423 (continued)

with an Executive Board and Trustees and at the last meeting they were unable to find out the exact proposal for the subject tract. The next meeting of the Executive Board will be on August 5, 1980; therefore, the Board's recommendation would not be received by the Trustees until October 6th or 7th. He requested the zoning application be continued to allow time for the Trustees to review the recommendation.

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium-Intensity -- No Specific Land Use.

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

Staff Recommendation:

The subject property is located at the NE corner of 8th Street and Owasso Avenue. The tract is zoned RM-2, medium-density multifamily, contains a single-family dwelling and the applicant is requesting OL one-story professional office zoning.

The subject property, although recognized by plan for medium-intensity uses, remains an integral part of a small residential neighborhood located west of Peoria and south of the Central Park. The introduction of a nonresidential use on the subject property (or anywhere within this neighborhood), would begin a change in the residential character of the neighborhood. Lot by lot conversions to nonresidential uses within this area does not appear to be the proper manner for redeveloping the area.

The Staff feels that higher residential densities are warranted within the subject area based on existing RM-2 zoning and the demand for housing nearer the central city. However, without the assembling of several properties, a piecemeal lot by lot conversion may retard such residential redevelopment.

For these reasons, the Staff recommends DENIAL of the requested OL zoning.

Special Discussion for the Record:

The applicant advised that he would be opposed to the continuance requested by Mr. Thrush.

In regard to parking, Mr. Hodgins stated he plans to provide off-street parking for the three employees at the rear of the building.

On MOTION of T. YOUNG, the Planning Commission voted 3-4-0 (Holliday, Kempe, T. Young "aye"; Avey, Gardner, Keleher, Parmele "nay"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to deny the application. The Motion failed.

Z-5423 (continued)

Chairman Parmele stated he did not feel the application should be denied based on the surrounding zoning patterns. He noted that, in his opinion, light office zoning would be more desirable than multifamily, townhouse or duplex development.

Mr. Keleher stated he would support the application since there was no assurance the area will redevelop as residential.

Commissioner T. Young stated that this is already a well-established single-family residential area despite the fact that the zoning is RM-2. He noted that there is a greater sensitivity for the need to preserving near downtown areas at a time when people are beginning to move into those areas, renovate the homes, and rehabilitate the neighborhoods and to make them a place where young families will again live and be productive members of the near downtown community. He urged the Commission to vote against the application.

Noting the Staff Recommendation for denial, Bob Gardner stated that two years ago the Staff would have automatically recommended approval of light office; however, housing trends and market demands have changed, causing the Staff to change their recommendation.

TMAPC Action: 7 members present.

On MOTION of KELEHER, the Planning Commission voted 4-3-0 (Avey, Gardner, Keleher, Parmele "aye"; Holliday, Kempe, T. Young "nay"; no "abstentions": Eller, Inhofe, Keith, Petty, C. Young "absent") to recommend to the Board of City Commissioners that the following property be rezoned OL:

Lot 18 and the South 20' of Lot 19, Block 1, Oaklawn Addition,
an addition to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5422
Applicant: Vaden Bales (O'Leary & Barnes)
Location: East of 45th Street and Harvard Avenue

Present Zoning: RS-1
Proposed Zoning: OL

Date of Application: June 5, 1980
Date of Hearing: July 23, 1980
Size of Tract: .8 acres

Presentation to TMAPC by: Vaden Bales
Address: 1000 Sooner Federal Building

Phone: 583-2131

Applicant's Comments:

Vaden Bales, representing Mrs. O'Leary, who owns the property on the south side of 45th Street, and Mr. Barnes the owner of the property on the north side of 45th Street, advised there have been several previous attempts to rezone these properties. In relating the zoning history of these two properties, Mr. Bales advised that the primary reason for previous denial of OL zoning on Mrs. O'Leary's property was based on the fact that it faced a residential area. He pointed out that problem had been eliminated since Mr. Barnes' property directly across the street is also included in this application. Another concern of the Staff was access from 45th Street; Mr. Bales stated that access to 45th Street and from Harvard is now a reality.

Protestants: Leslie Bury
Mrs. L. B. Bury
Kathy Borchardt
Frank Knowles

Address: 3448 East 45th Street
3448 East 45th Street
3331 East 45th Street
4349 South Jamestown Ave.

Protestant's Comments:

Leslie Bury advised that the residents in the area strongly object to commercial development on 45th Street. He also noted the water runoff from Jamestown to Harvard is a problem and that during hard rains his back yard is completely flooded. Mr. Bury questioned why the vacant property available along Harvard was not utilized rather than spoiling 45th Street with office use.

Mrs. Bury stated she and her husband had purchased their property before the area was within the City Limits. It is a fine residential neighborhood which is being ruined with office use. She advised that area residents have been fighting for 25 years to preserve the neighborhood and felt it is time that the Commission protect the rights of the residents.

Kathy Borchardt stated she was appearing as a homeowner in the area and representing the sentiment of the homeowners. She noted that the applicant has been to the Commission time after time, has not been satisfied with the zoning that was approved and now find that her property is landlocked. Ms. Borchardt questioned if the home owners should let traffic intrude in their residential area because the applicant has a small piece of property she would like to sell. She urged the Commission to deny the application pointing out that the Harvard Special Study stated that primary access was to be only to the major street. She noted that 45th Street is nothing but a residential street.

Frank Knowles informed the Commission that the Restrictive Covenants for the area had expired in 1977. Since that time the area has been strip-zoned all the way on Harvard and now is beginning on 45th Street

Z-5422 (continued)

and he felt it should be stopped.

A letter (Exhibit "D") was presented from Robert Paddock, Chairman, District 6, recommending denial of the application. The District 6 Steering Committee noted that the rezoning with access onto 45th Street would be the beginning of an intrusion into the residential neighborhood with the possibility of further applications for light office zoning to the east towards Jamestown.

Instruments Submitted: Letter from Robert Paddock, Chairman, District 6
(Exhibit "D-1")

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- No Specific Land Use.

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

Staff Recommendation:

The Staff recommends DENIAL of the requested OL zoning for the following reasons:

The subject properties are located east of the NE and SE corners of the intersection of 45th Street and Harvard Avenue. The properties are zoned RS-1 low-density single-family residential. Each contains a single-family dwelling and the applicants are requesting OL low-intensity office zoning.

The subject properties have been under application previously and in each instance were denied. The property on the south side of the street has been a part of at least three previous applications, one filed each year since 1977. The property on the north side of the street has been under application at least once previous. The reason for recommending denial of the previous cases is the same reason for recommending denial at this time. The properties are interior in location, contain quality single-family residences and are an integral part of the residential neighborhood. The properties to the west are zoned OL and when both are developed, will provide an office buffer and screening fence between Harvard Avenue and the subject properties. Office zoning on the subject properties would now be an encroachment into an established residential area. These properties were originally included within the Harvard Study with conditions. The Harvard Study recognized "potential office zoning" on these properties, provided they could be assembled with properties having Harvard frontage. The frontage on Harvard Avenue, in the Staff's mind, is the critical issue. Had they developed with the properties on the frontage then access could have been provided to Harvard Avenue, thereby reducing one of the major objections to the subject application. However, that was not the case. The frontage properties developed independently thereby leaving the subject properties a part of the residential neighborhood.

Z-5422 (continued)

For these reasons, the Staff is opposed to changing the zoning on these properties. The OL zoning is terminated in the most appropriate location given the physical facts in the area. Therefore, the Staff recommends DENIAL of the requested OL zoning.

Note: The fact that the rear portion of the southern property is zoned OL is no detriment to the residential use of the subject property. Had the Harvard frontage tract not developed independently, this portion could have been lot-split and developed with the Harvard frontage tract. The Staff recommends the TMAPC file an application rezoning this portion back to RS-1.

Special Discussion for the Record:

Mr. Bales stated he did not feel the access argument is valid since it was the action of the City, granting a plat waiver to the property on Harvard which caused the subject tract to be landlocked.

Chairman Parmele stated he had been in favor of this application before because this one area on 45th Street is the only area where the 300' zoning line is not followed. He noted that this is inconsistent with the total Harvard pattern and that Mrs. O'Leary had been penalized and also the neighbor to the north. Mr. Parmele felt the property should be rezoned and that would align the zoning lines and correct the problem.

Following the denial of the application by the Commission, Commissioner T. Young felt a motion was in order to correct the zoning problem by guaranteeing that there would not be access across the second and third properties east of Harvard off of Harvard. This would protect the zoning of OL, but requires the access to come off of Harvard which would be consistent with the Harvard Plan.

On MOTION of T. YOUNG, the Planning Commission voted 6-1-0 (Avey, Gardner, Holliday, Keleher, Kempe, T. Young "aye"; Parmele "nay"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to ask the Staff for a recommendation with regard to imposing some sort of a residential zoning strip along 46th Street to protect access to 46th Street, to rectify what appears to be an error in extending the OL zoning east of Harvard. Development of the recommendation will involve consultation with the land owners. (This Motion does not include the property of Mrs. O'Leary.)

Chairman Parmele stated he could not vote for the motion when it did not include obtaining the property owners consent of the rezoning. Mr. Parmele advised that he strongly felt that the Commission or Staff should not initiate zoning actions for someone.

On MOTION of T. YOUNG, the Planning Commission voted 3-4-0 (Holliday, Kempe, T. Young "aye"; Avey, Gardner, Keleher, Parmele "nay"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to follow the Staff Recommendation, allowing them to initiate an application moving the two landlocked tracts back to an RS-1 category. The Motion failed and the Staff Recommendation was denied.

Chairman Parmele reiterated that this is violating the rights of individual property owners and the use of their land to which they are entitled to. He advised that this would be setting a dangerous precedent.

Z-5422 (continued)

TMAPC Action: 7 members present.

On MOTION of GARDNER, the Planning Commission voted 6-1-0 (Avey, Gardner, Holliday, Keleher, Kempe, T. Young "aye"; Parmele "nay"; Eller, Inhofe, Keith, Petty, C. Young "absent") to recommend to the Board of City Commissioners that the following property be denied.

The North 165' of Lot 2, Block 2, and Lot 12, Block 1, Villa Grove Heights No. 1, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5424 Present Zoning: AG
Applicant: Allen Mitchell (Wilcox & Bridges) Proposed Zoning: IH
Location: North and West of the NW corner of 50th Street and 53rd West Ave.

Date of Application: June 10, 1980
Date of Hearing: July 23, 1980
Size of Tract: 26 acres, plus or minus

Presentation to TMAPC by: Allen Mitchell
Address: 310 East Lee, P. O. Box 190, Sapulpa, Okla. Phone: 224-5750

Applicant's Comments:

Allen Mitchell advised that the subject tract is under contract for sale to United States Pollution Control, Inc., which plans to locate its truck and dispatching terminal on the property. The firm also plans to lease portions of the tract to Hydrocarbon Recyclers for a waste fuel and oil recycling refinery. Mr. Mitchell stated that after consultation with the Staff and reviewing the activities of Hydrocarbon Recyclers he felt that IM zoning would be appropriate for the tract.

Mr. Mitchell, in regard to the activities of Hydrocarbon Recyclers, pointed out that it was a completely self contained system which involves bringing fuel and waste oil in enclosed trucks to the tract where they are filtered or distilled to remove the impurities and returned to a clean state where they can be resold or reused in the manufacturing process. The parts which are not reclaimable will be shipped by United States Pollution Control, Inc., to a permanent disposal facility.

The truck terminal will be located in the northeast five acres of the tract. There will be a graveled parking area and a maintenance shop. The Hydrocarbon Recyclers will be located in the northwest five acres of the tract and will include storage tanks and buildings to house parts of the filtering process. There are no plans to develop the south 16 acres of the subject property. United States Pollution Control, Inc., is prepared to extend 53rd Street to provide access to the tract from the south. They will purchase the necessary land to the north to extend and construct the street to County specifications. The Company proposes to either extend the existing water main or to drill a water well. Mr. Mitchell felt the proposed use of the tract is compatible with the surrounding area.

Protestants: Raymond Jackson Address: 3711 South Olympia Avenue

Protestant's Comments:

Raymond Jackson presented a protest petition (Exhibit "E-1") bearing 47 signatures of area residents. Mr. Jackson stated he has been a member of the District 9 Planning Team for the past four years. He pointed out that over 50% of the area, on the other side of the river, from 21st Street to 65th Street is industrial. The protestant advised that this industrial use will be next to the expressway and will be inaccessible from the City without traveling through the residential area. Mr. Jackson also expressed some concern with the products which would be used by the Hydrocarbon Recyclers Company. He urged the Commission to deny the application since it is not compatible with the District 9 Plan.

Interested Party's Comments:

Bob Dunner stated he owns three plants in this area and did not object to the requested IM zoning. However, he was concerned since the recycling of hydrocarbons indicates refinery use and questioned if this type of use would require IH zoning. He stated that if it was to be waste disposal there would be some control on the business.

George Blankenship, a builder, stated that the subject tract could not be developed into housing. There will be access to the subject property from the east and a road from the south can be provided without detriment to the area residents. Mr. Blankenship advised that he had written the contract agreement for the subject tract and that IL zoning would be acceptable.

Ted Cowan, President of Hydrocarbon Recyclers, advised that he had contacted the State and County Health Departments. There are systems on the tanks so that any vapors on the tanks will be processed and burned so there will not be any noxious odors. There is no waste disposal planned for the site.

Instruments Submitted: Protest Petition, 47 signatures (Exhibit "E-1")

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District -- Industrial Area.

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

Staff Recommendation:

The Staff recommends DENIAL of the requested IH and APPROVAL of IM for the following reasons:

The subject property is located north and west of the NW corner of 51st Street and 49th West Avenue. The property parallels the proposed Gilcrease Expressway right-of-way on the east side. The property is presently zoned AG and the applicant is requesting IH high-intensity Industrial zoning, which is an unrestricted district.

The property is recognized by the District 9 Plan for industrial development. The industrial zoning category planned for this area was light industrial; however, the City Commission, approved IM zoning on the abutting property to the east. The Staff feels that IM zoning is appropriate based on the fact that the subject property abuts expressway right-of-way on the west and IM zoning to the east.

Therefore, the Staff recommends DENIAL of IH high-intensity industrial and APPROVAL of IM moderate industrial zoning.

Z-5424 (continued)

TMAPC Action: 7 members present.

On MOTION of KELEHER, the Planning Commission voted 7-0-0 (Avey, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") to recommend to the Board of City Commissioners that the following property be rezoned IM:

The E/2 of the NW/4 of the SE ^{quarter} corner and the E/2 of the W/2 of the SE/4, all in Section 29, Township 19 North, Range 12 East, Tulsa County, Oklahoma, less the West 4.39 acres deeded for highway purposes, the entire remaining tract containing approximately 26 acres.

Z-5425 Allen Mitchell (Wilcox & Bridges) North and West of the NW corner of
50th Street & 53rd West Avenue
AG to IL

The applicant filed two applications on this tract. Since action was taken on the first application to rezone this property to IM the applicant requested this item be withdrawn.

The Chair, without objection withdrew Z-5425.

Application PUD #239

Present Zoning: (RS-3)

Applicant: Robert Latch (Boyd)

Location: South and East of 67th Place and Oxford Avenue

Date of Application: June 19, 1980

Date of Hearing: July 23, 1980

Size of Tract: 2.75 acres

Presentation to TMAPC by: Robert Latch

Address: 5401 South Sheridan

Phone: 665-1355

Applicant's Comments:

Bob Latch advised that the proposed development included construction of 14 dwelling units to be individually owned townhouses. A security fence with controlled entrance and a private street serving the units with additional off-street parking, a pool and a cabana are included in the proposed plan. The units will be of high quality and will sell for approximately \$100,000 - \$150,000 per dwelling unit containing 2,000 - 2,400 sq. ft. each.

Mr. Latch pointed out that the subject tract is surrounded on three sides by property owned by the William K. Warren Foundation. He presented a letter (Exhibit "F-1") from the Foundation stating they have no objection to the proposed development.

The applicant proposed the complex be in six buildings, two tri-plexes, and the remainder in duplex construction. He stated he would not object if the 14 units were all duplexes, but pointed out that the economic need to construct 14 units due to the price of the land, a need to install sewer lines to Sheridan, and improvements to 67th Place because of its deteriorated condition. Twenty-six to thirty off-street parking spaces will be provided for guests in addition to a two-car garage and parking for each unit. Mr. Latch advised that all units will be 50% masonry and will be compatible with the residential area.

Protestant: Harold Furtney

Address: 5640 South Oxford Avenue

Protestant's Comments:

Harold Furtney protested that the developer keeps changing his plans - he questioned what the proposed development would be. Mr. Furtney objected to the development pointing out that it was spot zoning and would not be compatible to the existing residential area. He expressed concern that this development would create a domino effect and other multifamily, i.e., apartments, will be proposed for the area in the future. He urged the Commission to deny the application.

Interested Party: Gerald Holliman

Address: 6308 East 67th Place

Interested Party's Comments:

Gerald Holliman, owner of the adjacent property to the east of the subject tract, stated he felt the proposed 14 dwelling units would be too dense for the residential area and was concerned that it would cause devaluation of his property. He also requested that another entrance to the subject property be considered due to the narrow road and the difficulty fire trucks and garbage collectors experience in reaching the area. Mr. Holliman stated there are approximately 300 pine trees on his property and he was concerned about fires in the neighborhood.

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PUD #239 (continued)

Instruments Submitted: Letter from Wm. K. Warren Foundation (Exhibit "F-1")
Staff Recommendation:

Planned Unit Development #239 is located approximately 800 feet east of Sheridan Road, south of 67th Place. The property is zoned RS-3 single-family and is 2.749 acres (119,787.59 sq. ft.) in size. The applicant is proposing a development plan of 14 dwelling units to be individually owned townhouses. The development is planned to have a security fence with controlled entrance. A private street serving the units with additional off-street parking, a pool and a cabana for the residents will also be provided.

A nearby PUD application was approved for single-family detached dwelling units with a private street. The Commission limited the density to the number of lots that could be physically laid-out as a conventional development. Based on that precedent the Staff reviewed the subject application under those guidelines. The subject property can physically accommodate 12 lots that meet the minimum requirements of the RS-3 District.

The Staff has reviewed the PUD and find that the PUD is; (1) consistent with the Comprehensive Plan for District 18; (2) harmonizes with the existing development; (3) is a unified treatment of the development possibilities of the subject tract; and (4) is consistent with the stated purposes and standards of the PUD Chapter of the Tulsa Zoning Code.

The Staff recommends APPROVAL of PUD #239, subject to the following conditions:

1. That the applicant's Site Plan be accepted as illustrating the concept, but that a revised site plan reflecting the conditions of approval be submitted to the Planning Commission for review and approval, prior to the request for any building permits.
2. That single-family detached patio lot dwellings be constructed and that a maximum of 12 dwelling units be permitted.
3. That the swimming pool and cabana be permitted as illustrated on the Site Plan.
4. Development Standards:
 - a) Maximum land area 2.749 acres
 - b) Livability space per dwelling unit 4,000 sq. ft. (includes pool and cabana area, but excludes parking, access driveway or roadways and buildings.)
 - c) Maximum height 2-story -- 26 feet
 - d) Off-Street parking spaces, 2 per Dwelling Unit and additional guest parking.
 - e) Setbacks of buildings: (minimum)
 - North, east, south and west boundaries, 20 feet
 - Between adjacent buildings, 10 feet.
 - f) Yards:
 - Side Yards, 0 feet; other yard 10 feet
 - Front yard, 20 feet from garage to street unless garage sides to street.

PUD #239 (continued)

5. That private streets be permitted within the PUD with a minimum width of 22 feet and paving materials and base be comparable to the standards of the City of Tulsa.
6. That detention and drainage plans be approved by the City Hydrologists.
7. That a security gate be permitted at the single entry, and that a homeowners association be formed to maintain the private streets and common areas.
8. That a subdivision plat be approved by the Planning Commission, incorporating within the restrictive covenants those conditions of PUD approval, making the City of Tulsa beneficiary to said covenants, and filed of record in the County Clerk's Office prior to the request for any building permits.

Special Discussion for the Record:

Bob Gardner advised that the applicant's plan had been modified after it was reviewed by the T.A.C. Committee and they recommended changes for the turn-around circulation, and the dedicated cul-de-sac.

The Staff, in considering this PUD, reviewed the Planning Commission and City Commission concerns of the PUD to the northeast of the subject tract. One concern was what density could be accommodated on the tract under conventional development with RS-3 zoning. The same type of evaluation was utilized for the subject tract and it was found that 12 lots could be laid out under RS-3 zoning. Therefore, the Staff recommended approval of the PUD, subject to the reduction of units from 14 to 12 and also imposed the single-family lots with zero side yards permitted.

Mr. Gardner stated that 67th Place was in deplorable condition and would need to be improved. The streets were not built to any one standard and there have never been any improvements to City standards.

Robert Latch advised that the Warren Foundation will give the right-of-way on their property for a portion of the cul-de-sac.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Gardner, Keith, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keleher, Petty, C. Young "absent") to recommend to the Board of City Commissioners that the following property be approved, subject to the conditions of the Staff Recommendation with the following change in Condition No. 2: "That single-family detached duplex dwellings be constructed and that a maximum of 12 dwelling units be permitted."

A tract of land lying in the NE/4 of the SE/4 of Section 3, Township 18 North, Range 13 East, of the IBM, according to the U. S. Government Survey thereof in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Commencing at the SE corner of said Section 3; thence due North along the East line of said Section 3 a distance of 1,321.23' to a point, said point lying on the South line of the NE/4 of the SE/4 of said Section 3; thence North 89°-52'-44" West along said South line

PUD #239 (continued)

a distance of 855.64' to the point of beginning; thence North $89^{\circ}-52'-44''$ West along said South line a distance of 464.23' to a point, said point being the SW corner of the NE/4 of the SE/4 of said Section 3; thence North $00^{\circ}-01'-13''$ West a distance of 258.00' to a point; thence South $89^{\circ}-52'-53''$ East a distance of 464.32' to a point; thence South $00^{\circ}-00'-5''$ East a distance of 258.02' to the point of beginning, containing 2.750 acres, more or less.

Application No. Z-5427 Present Zoning: RS-2
Applicant: William Harrington Proposed Zoning: OL
Location: SE corner of 51st Street and South Marion Avenue

Date of Application: June 20, 1980
Date of Hearing: July 23, 1980
Size of Tract: 125' x 200'

Presentation to TMAPC by: William Harrington
Address: 1108 Thompson Building Phone: 582-1065

Applicant's Comments:

William Harrington stated that the subject tract has been a long troubled property since it has had restrictions against anything except single-family construction. Mr. Harrington advised that he represented the families in the area in a suit before the Supreme Court 15 years ago to enforce the Restrictive Covenants to maintain the area for residential use until the Covenants ran out in January 1980. The whole area has changed vastly since then.

Mr. Harrington proposed a single-story office building with off-street parking for the subject tract. Entrance to the property would be from Marion and traffic would exit on 51st Street, therefore, avoiding traffic in the neighborhood. The runoff water would flow north to 51st Street rather than towards 51st Place. The southern portion of the tract will be landscaped with a privacy fence.

Protestants: Tom Agnew Address: 5151 South Marion Place
Jim Woods 5161 South Marion Place
Norris Wing 3829 East 51st Place

Protestant's Comments:

Tom Agnew advised that he was not opposed to the building, but was opposed to the water runoff which would occur. Mr. Agnew stated that the way the new system is being constructed on 51st, the water between Harvard and Yale goes down his back yard. The protestant noted that at 51st Place, between Marion Place and New Haven, there is a 36" storm main where the water rushes out with such a force that 1,000 and 2,000 pound boulders are moved. He stated that he has 60' of property that he is unable to use.

A new fence was erected six years ago, set 5' back, and now all of the fence has been washed away except two portions. City employees have been called out to consider the situation and Mr. Agnew has been told that they are taking care of Little Joe, but no provision has been made for correction of this runoff problem.

Jim Woods advised that the boulders which Mr. Agnew referred to are on his property. They were put there by the previous owner to shore up the creek at that time. Within the past year, with all of the building to the north, the water runs through Mr. Woods' property. He stated that if there is another major heavy rain he would probably lose most of his patio due to the wash. Mr. Woods advised he was opposed to any development in the area until such time as the City can take care of the excess water flow through the area.

Z-5427 (continued)

Norris Wing objected to the fence which he felt would be an eyesore from his back patio. He was also concerned about the water runoff and the trash generated from office use.

Interested Party: Jim Butler Address: 7640 South Quebec Place

Interested Party's Comment:

Jim Butler advised that he had a contract to purchase the subject tract.

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

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

The subject property is located on the SE corner of the intersection of 51st Street and Marion Avenue. The property is undeveloped, zoned RS-2 and the applicant is requesting OL low-intensity office zoning.

The subject property is within an area that has been recognized by the Comprehensive Plan and previous zoning decisions for low-intensity development. The properties to the east and to the west are zoned OL. The area located on the north side of 51st Street is a corridor formed by 51st Street and I-44 and is permitted medium-intensity office and apartments, and is developed. The subject request is consistent with the Comprehensive Plan and existing zoning patterns in the area.

Therefore the Staff recommends APPROVAL of the requested OL zoning.

Special Discussion for the Record:

Commissioner T. Young pointed out that the water runoff will go north, however, it will be in the underground sewer and then will go south again. He wanted to be sure there was no misunderstanding concerning the runoff.

Mr. Harrington advised that every effort would be made to detain the water on the roof of the proposed building to delay the runoff as much as possible.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Gardner, Keith, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keleher, Petty, C. Young "absent") to recommend to the Board of City Commissioners that the following property be rezoned OL:

A tract of land more particularly described as follows, to-wit:
Beginning 25' South and 315' East of the NW corner of the NE/4
of the NW/4 of Section 33, Township 19 North, Range 13 East of

Z-5427 (continued)

the IBM for a point of beginning; thence East 190'; thence South 150'; thence West 190'; thence North 150' to the place of beginning, Tulsa County, Oklahoma, according to the U. S. Survey thereof.

SUBDIVISIONS:

Southern Hills Plaza (3293) NE corner of 61st Street and Lewis Avenue
(OM, OL)

Airview Townhouses (PUD #226) SW corner of East Oklahoma and South 72nd
East Avenue (RM-1, RD)

The Staff advised that all letters were in the file and recommended final approval and release of Southern Hills Plaza and Airview Townhouses.

On MOTION of AVEY, the Planning Commission voted 7-0-0 (Avey, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keith, Petty, C. Young "absent") for final approval and release of Southern Hills Plaza and Airview Townhouses.

OTHER BUSINESS:

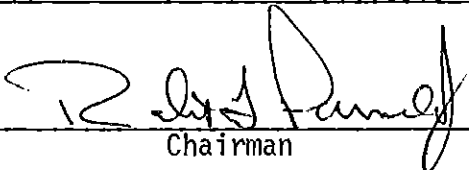
PUD #190 Minshall Park I 78th Place and South Joplin Avenue (RS-3)

The Staff advised that this was a Minor Amendment in conjunction with a lot-split, L-14956, Lot 39, Block 10, Minshall Park I, approved by the Planning Commission allowing the "flag-lot" concept. This action will add one more unit to this part of the PUD, but is in keeping with the intent and purpose of the PUD.

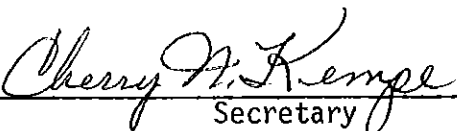
On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Gardner, Holliday, Keith, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Inhofe, Keleher, Petty, C. Young "absent") to approve a Minor Amendment to permit a lot-split, L-14956, Lot 39, Block 10, Minshall Park I, adding one additional dwelling unit to this development area of the PUD.

There being no further business, the Chair adjourned the meeting at 5:30 p.m.

Date Approved 8-13-86


Chairman

ATTEST:


Secretary

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TULSA METROPOLITAN AREA PLANNING COMMISSION

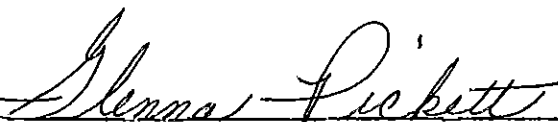
Claims: 1979-1980

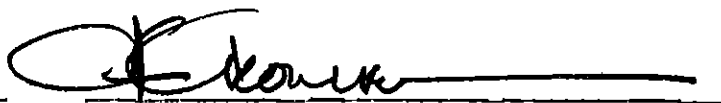
<u>Account Number</u>	<u>Claim Number</u>	<u>Vendor</u>	<u>Amount</u>
8380	12857	Urban Design Newsletter	75.00

Claims: 1980-1981

8140	12858	S. C. Inman	275.15
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This is to certify that the above claims are true, just and correct to the best of our knowledge.


TMAPC Fiscal Officer


TMAPC Director

