

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1343
Wednesday, January 28, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Gardner Holliday Kempe, Secretary Parmele, Chairman Petty C. Young, 1st Vice Chairman T. Young	Avey Inhofe	Alberty Gardner Howell Lasker	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, January 27, 1981, at 11:39 a.m., as well as in the Reception Area of the TMAPC Offices.

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

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, C. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, T. Young "absent") to approve the Minutes of December 10, 1980 (No. 1338).

On MOTION of C. YOUNG, the Planning Commission voted 6 -0-0 (Eller, Gardner, Holliday, Kempe, Parmele, C. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, T. Young "absent") to approve the Minutes of PUD #250, January 21, 1981 (No. 1342).

ELECTIONS:

CHAIRMAN

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, C. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, T. Young "absent") to elect Carl Young as Chairman.

Commission Member Carl Young took the Chairmanship at this point in the meeting and the election of officers continued.

FIRST VICE CHAIRMAN

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, C. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, T. Young "absent") to elect Robert Parmele as First Vice Chairman.

SECOND VICE CHAIRMAN

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, C. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, T. Young "absent") to elect Cherry Kempe as Second Vice Chairman.

Elections (continued)

SECRETARY

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, C. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, T. Young "absent") to elect Marian Holliday as Secretary.

Following the election of officers, Chairman Carl Young commended Commissioner Parmele on his excellent leadership of the TMAPC the past two years.

CONTINUED ZONING PUBLIC HEARING:

PUD #251 Warren G. Morris (Mabry) South & East of 35th Street & Oswego Ave.
(RS-3)

The Staff advised that this item would need to be continued to allow time for readvertising and renotification of the property owners within 300' of the subject tract.

On MOTION of PARMELE, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, C. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, T. Young "absent") to continue PUD #251 to February 11, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5484 Present Zoning: CS & RS-3
Applicant: Gerald Snow (Gladys Jones) Proposed Zoning: CG & FD
Location: East of the NE corner of 11th & Mingo Valley Expressway

Date of Application: November 20, 1980
Date of Hearing: January 28, 1981
Size of Tract: 2.1 acres

Presentation to TMAPC by: John Moody
Address: 4100 Bank of Oklahoma Tower Phone: 588-2651

Applicant's Comments:

John Moody, advised that the subject tract is long and narrow and was platted a number of years ago. The property to the west of the subject tract has been rezoned CG on the south 265 feet. Mr. Moody stated the owner of the adjacent property on the west did not need and had not requested the general commercial zoning on the entire tract. He also pointed out that the Staff Recommendation on the previous application, as well as the subject application, noted that the Comprehensive Plan Map designation, as it affects these properties, may need to be amended to reflect an increased depth for medium intensity uses. There is a creek to the north of the subject tract which serves as a natural buffer to the older residential properties on the north side of the creek.

A two-story multifamily apartment complex is adjacent to the subject tract on the east with a restaurant, mobile home park, and mini-storage units to the south. The area also includes other warehouse uses. Mr. Moody exhibited pictures (Exhibit "A-1") of the surrounding area.

Mr. Moody presented a site plan (Exhibit "A-2") and advised that two, single story buildings, 18,400 sq. ft. each, are proposed to house a combination of offices and warehouses. The development will provide small offices for plumbing shops, carpet stores, trades and crafts, etc., while affording space in the interior for storage of materials used. The proposed construction will be a condominium whereby each office and warehouse unit will be individually owned. The applicant stated that the response to this type of construction has been very positive.

In regard to the drainage problems in the area, Mr. Moody advised that the firm of Mansur, Daubert, Williams has prepared a drainage plan for the subject tract which will provide compensatory storage, providing for all the surface drainage on the property. This plan has been reviewed and approved by the City Engineer.

Mr. Moody advised the Commission that the requested CG zoning was needed to provide the floor area ratio of 75% and the general commercial uses which are not permitted under the existing CS zoning.

The proposed buildings will be setback in accordance with the Major Street and Highway Plan. A 6' solid screening fence will be erected along the entire eastern boundary of the subject tract.

Mr. Moody concluded that CG zoning is compatible, the Comprehensive Plan Map will need to be amended since CG zoning has previously been approved in the area, the proposed use is compatible with the existing physical

Z-5484 (continued)

facts since the creek is going to prohibit any development of single family residential on the northern 2/3 of the subject tract, and the proposed uses will be compatible with the existing uses in the area.

Protestant: Richard Hockett

Address: 303 E. 29th Street

Protestant's Comments:

Richard Hockett advised that he was the owner of the apartment complex adjacent to the subject tract on the east. Mr. Hockett stated his primary concern is the flood water problem. He noted that the creek touches the northeast corner of his property, at the parking lot, and during rains in the past has watched the water lap up on the asphalt. In the event of a 6-8 inch rain, there will be considerable flooding in the area.

The protestant advised that he would like some assurance that the proposed facility will not increase the run-off on his property. He also requested some guarantee that the privacy fence will be constructed prior to the completion and sale or leasing of the subject properties.

Instruments Submitted: Pictures (Exhibit "A-1")
Site Plan (Exhibit "A-2")

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Commercial (south portion), Low Intensity -- Residential (north portion).

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CG zoning is not in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of CS and DENIAL of CG for the following reasons:

The subject property is located on the north side of 11th Street east of the Mingo Valley Expressway. The property is zoned CS and RS-3 and the applicant is requesting CG general commercial zoning to permit commercial development. The Staff advertised for the floodway zoning based on the hydrology report.

The Staff acknowledged recently, in the recommendation on the property to the west, that the properties on the north side of 11th Street, south of the creek, related to the 11th Street properties more than the interior low density. The Staff feels that the Comprehensive Plan Map designation, as it affects these properties, may need to be amended to reflect an increased depth for medium intensity uses. The Staff had recommended denial of the application on the abutting property on the basis of the Plan Map designation and the fact that the proposed use, outdoor advertising, was too intense. The CG District was required for additional display area for the sign. However, that application (Z-5462) has been approved and there is now a precedent for CG zoning, at least on the south 265 feet. The Staff still feels the CG zoning permits more intensity than is planned and should be limited to the expressway property. Based on these facts, the Staff recommends APPROVAL of CS on the entire property and DENIAL of CG.

Z-5484 (continued)

Note: The City Hydrology Department determined that there is no floodway on the subject property.

Special Discussion for the Record:

Commissioner T. Young questioned if the tract to the north would be landlocked with the development on the subject tract.

Mr. Moody advised that the potential of the northern property to be landlocked exists regardless of any rezoning. The subject tract is already platted and no provision has been made for access through the property.

In regard to the protestant's concerns, Mr. Moody advised that prior to the time of going to the City Commission the engineer's drainage plans for the subject tract will be presented to Mr. Hockett and his engineers for their review and approval. In addition, an agreement to erect the 6' high screening fence or wall prior to the occupancy or sale of any of the units within the project will be available to the protestant.

TMAPC Action: 8 members present.

On MOTION of ELLER, the Planning Commission voted 8-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe "absent") to recommend to the Board of City Commissioners that the following property be rezoned CG:

Lot 13, Block 2, East 11th Street Park Subdivision of Tulsa, Tulsa County, Oklahoma.

ZONING PUBLIC HEARING:

Application No. Z-5486
Applicant: David Barnes
Location: East of 45th and Harvard

Present Zoning: OL & RS-1
Proposed Zoning: RM-T

Date of Application: December 13, 1980
Date of Hearing: January 28, 1981
Size of Tract: 100' x 200' and 100' x 275'

Presentation to TMAPC by: David Barnes
Address: 3311 E. 45th Street
Phone: 749-0178

Applicant's Comments:

David Barnes advised that he proposes to build fee simple townhouses on the subject tract. The townhouses will be in a double zero lot line configuration and will be individually owned. The development will differ from a condominium project in that each owner will maintain their own property under the direction of a homeowner's association.

The site plans have not been completed, but Mr. Barnes advised that nine townhouses are proposed for the southern tract with five or six townhouses constructed on the northern tract. The applicant stated that he owns the northern tract and holds a contract to purchase the southern tract contingent on approval of the rezoning to RM-T.

A letter (Exhibit "B-1") was presented from the District 6 Steering Committee. The Steering Committee voted 9-1-0 to recommend to the TMAPC that application Z-5486 be approved.

<u>Protestants:</u> Kathy Borchardt	Address: 3331 East 45th Street
Mrs. L. B. Bury and	
Mr. L. B. Bury	3348 East 45th Street
Mrs. John Sublett	3337 East 45th Street
Nita Kirst	4501 South Jamestown Ave.

Protestant's Comments:

Kathy Borchardt advised that her greatest concern was that the lots facing Harvard Avenue have been developed to a 300' depth; however, the lots on 45th Street face each other and are not regular size lots. Therefore, there is a problem with allowing interior lot development. She noted that approval of this request would cause a domino effect in the residential area.

Traffic was also a concern of Ms. Borchardt. She pointed out that Judge Ronald Ricketts, as District Court Judge, tried a similar case and held that it is proper for a Commission to consider the impact of traffic in a situation such as this. There is traffic impact on 45th Street. Ms. Borchardt stated that four businesses occupy a one-acre tract in the area one of which is the Dale Carnegie Institute. Classes are held at the Dale Carnegie Center between 7:00 p.m. and 11:00 p.m. She related incidences of people attending those classes mistakenly driving into her yard and also advised of the difficulty driving through the area due to heavy traffic and the cars parked there.

Z-5486 (continued)

Ms. Borchardt pointed out that the subject tracts would increase from two separate ownerships to as many as 15 owners or more. The applicant has not submitted any plans to show the number of units he proposed. The protestant stated that once the zoning has been approved, the abutting lot owners would not be able to hold the applicant to anything he has represented to the Commission. She urged the TMAPC to deny this application.

Mrs. L. B. Bury advised that she has appeared before the Commission five times previously to protest the developments along Harvard Avenue, between 45th Street and 51st Street and the disastrous affects they have had on the residential area. Mrs. Bury stated she and her husband purchased their home 25 years ago and felt they should be protected against drainage from two-story buildings and other variations along Harvard Avenue.

Mrs. Bury presented a protest petition (Exhibit "B-2") bearing 57 signatures of home owners in the area. She stated that, due to construction in the area, 15" of runoff water was channeled onto her property. At the onset of the development along Harvard Avenue, the buildings were to be limited to one-story; however, many two-story offices are now being constructed.

In regard to traffic in the area, Mrs. Bury advised that she uses Jamestown because the traffic congestion on 45th Street makes it impossible to gain access to that street. She pointed out that Langenheim Park was given to the area to protect Villa Grove Heights Addition and if the Commission approved this application, it would ruin Villa Grove Heights despite Langenheim's promise before the area was in the City Limits, that the residential neighborhood would be protected.

Mr. L. B. Bury advised that he had contacted Mr. Barnes and was told that the development at 45th and Madison was comparable. Mr. Bury stated he drove to that location and found that two-story townhouses were constructed on the northwest portion of the lot, an open shed to be used for parking is located on the east side of the lot and the entire lot has been paved. He questioned if the others would like to have a development such as this in their neighborhood.

Mrs. John Sublett advised that she has the same concerns as those expressed by the previous protestants. Congested traffic and drainage problems were two very important concerns to be considered. She also pointed out that if this application was approved there will be no stopping place.

Nita Kirst advised that she and her husband chose this neighborhood because of the large, estate-type lots and the residential area. She expressed concern that a multifamily development would deter from the existing single-family residential neighborhood. Mrs. Kirst urged denial of the application.

Instruments Submitted: Letter, District 6 Steering Committee (Exhibit "B-1")
Protest Petition, 57 signatures (Exhibit "B-2")

Z-5486 (continued)

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 RM-T District may be found in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of the requested RM-T zoning for the following reasons:

The subject properties are located east of Harvard Avenue on both sides of 45th Street. The properties are zoned RS-1 residential single-family and a portion of the southern property is zoned OL low intensity office. Both properties contain a single-family residence and the applicant is requesting RM-T zoning to permit a townhouse development.

The subject properties have been denied office zoning at least twice (five times on the south lot) previously. The Staff and Commission have maintained that these properties should not develop office independent of the properties to the west. Townhouse development on the subject properties, however, would provide a land use transition and good utilization of the subject properties while maintaining residential use. The RM-T District requires the platting of individual lots for each dwelling unit, thereby maintaining residential single-family character and compatibility with existing development.

The Staff considers the requested RM-T zoning an appropriate use on the subject properties, and therefore, recommends APPROVAL of the requested RM-T zoning.

Special Discussion for the Record:

In regard to the protestant's concerns with water runoff, Mr. Barnes advised that both of the subject tracts are on top of a small crest which falls to the west; therefore, any water runoff from the tracts will be to 45th Street and west to Harvard Avenue.

The applicant stated he did not see how townhouse zoning on the subject tracts would open the way for townhouse construction on every lot to the east. Mr. Barnes felt that the townhouse development would act as a buffer between the office uses along Harvard Avenue and the residential area.

In answer to Commissioner Parmele's question concerning permitted density, Mr. Gardner advised that the maximum number of allowable units on the southern tract would be eight townhouses; a maximum of six units could be constructed on the northern tract.

Commissioner Parmele advised that he felt that RM-T is a good transition zoning for this area. He made a motion for approval of the proposed RM-T zoning.

Z-5486 (continued)

Commissioner Petty stated he felt the entire area of the subject application is one of the greatest planning mistakes in the City of Tulsa. He advised that he had supported the Trade Winds expansion because he felt it was proper at that time, but he could not agree with this application, since he thought it infringed on the single-family home owners of the area.

Commissioner T. Young was also opposed to the proposed zoning. He pointed out that the residents of the area should have the right to preserve what is there.

The arguments presented during past applications are still valid. Commissioner T. Young expressed concern about the intensity of the use, even though it is residential use.

Commissioner Petty stated that the RM-T zoning, while providing for single-family ownership, does not necessarily guarantee that the dwellings will be owner-occupied. He pointed out that this would be a consideration which is most important in this case.

On MOTION of PARMELE, the Planning Commission voted 2-6-0 (Kempe, Parmele, "aye"; Eller, Gardner, Holliday, Petty, C. Young, T. Young "nay"; no "abstentions"; Avey, Inhofe "absent") to approve application Z-5486. The motion failed.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-2-0 (Eller, Gardner, Holliday, Petty, C. Young, T. Young "aye"; Kempe, Parmele "nay"; no "abstentions"; Avey, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be denied:

All of Lot 2, Block 2 and Lot 12, Block 1, Villa Grove Heights No. 1, to the City of Tulsa, Oklahoma.

Application No. Z-5487 Present Zoning: RD
Applicant: Tom Tannehill (Orthopedics Specialists) Proposed Zoning: OM
Location: NE corner of 73rd Street and Yale Avenue

Date of Application: December 11, 1980
Date of Hearing: January 28, 1981
Size of Tract: 1/3-acre

Presentation to TMAPC by: Tom Tannehill
Address: 525 South Main, Suite 202 Phone: 583-3171

Comments: Tom Tannehill was present, but did not comment.

Relationship to the Comprehensive Plan: The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Office.

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

Staff Recommendation:

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

The subject property is located east of the NE corner of 73rd Street and Yale Avenue. The property is zoned RD residential duplex and the applicant is requesting OM office medium intensity.

The subject property was previously zoned OM and was changed to RD with the adjacent property to the east. The plan for duplex development did not materialize and the RD area to the east was recently rezoned OM. The owner of the subject property also wishes to develop under the OM category. OM zoning surrounds the subject tract and OM zoning is consistent with the Comprehensive Plan.

Based on these reasons, the Staff recommends APPROVAL of OM zoning.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of PARMELE, the Planning Commission voted 8-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OM:

All of Lot 9, Block 1, of a Resubdivision of Block 3, Nob Hill, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and that part of Reserve "A" of Block 1 of a Resubdivision of Block 3, Nob Hill, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit: Beginning at the SW corner of Reserve "A", Nob Hill, said point being the NW corner of Lot 9, Block 1, Nob Hill; thence due East along the South line of Reserve "A" a distance of 98.00'; thence due South a distance of 26.00' to the point of beginning, and containing 2,548.00 square feet.

Z-5489 Carl Cannizarro South & east of Young Place & 75th E. Avenue
RS-3, IL and CH to CH

A letter (Exhibit "C-1") requesting this application be withdrawn was presented. The applicant stated in the letter that a Board of Adjustment application for an exception will be filed in the near future.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe "absent") to withdraw application Z-5489.

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Application No. Z-5490 Present Zoning: RS-3
Applicant: David A. Bagley (Don R. Hinderliter, Inc.)
Location: 1100-1200 Block of North Gary Place Proposed Zoning: IM

Date of Application: December 23, 1980
Date of Hearing: January 28, 1981
Size of Tract: 1-acre, plus or minus

Presentation to TMAPC by: David Bagley
Address: 20th Floor of Fourth National Bank Phone: 582-9201

Applicant's Comments:

David Bagley, representing Hinderliter Energy Equipment Corporation, advised that the application has been made as a part of the proposed plant expansion project. The subject tract is not a part of the proposed expansion at this time; however, the overall plan including setbacks for buildings, etc., make it advisable to acquire the rezoning of the subject property.

The majority of the properties to the south, east and west of the subject tract are owned by the Hinderliter Company. The property adjacent to the property on the south will be converted to asphalt parking. Immediately east of the southern portion of the requested zoning change there is an existing single-family residence.

The plant expansion will include some warehousing and assembly of well heads which is permitted within the IM zoning district.

The applicant requested early transmittal of this application following the Commission recommendation.

<u>Protestants:</u>	David Harold Dee	Address: 1105 North Gary Place
	Gloria Green	1133 North Gary Place
	Anna Cartwright	1137 North Gary Place
	Mrs. W. C. Holdridge	1129 North Gary Place

Protestant's Comments:

David Harold Dee advised that this is a long established quiet neighborhood with many of the residents having lived in the area the past 20-30 years. Approximately 20-years ago Gary Place was extended an additional block -- at that time it was not a city street. Mr. Lundy extended Gary Place and since that time the neighbors have defrayed the costs of repairs to the street. In 1980, for the first time in 20 years, the City of Tulsa made some repairs and paved the street.

The Hinderliter Company, 20-years ago, was a very small firm, quiet and no one knew they were there because the street did not go all the way through. The existing street was connected to Marshall Street -- this was not protested by the area residents. Mr. Dee noted that as the Hinderliter firm has grown, from a quiet operation to a 24-hour operation, the noise, dust and traffic has increased considerably. The protestant pointed out that many of the area residents are elderly, some are in poor health, they have lived there most of their lives and he felt it was unfair to subject them to this encroachment. Mr. Dee advised that a 5' strip

Z-5490 (continued)

of RS-3 zoning recommended by the Staff would help the "eye-sore" problem, but will not provide any relief from the noise problem.

Gloria Green advised that her small grandchildren live with her and on several occasions they have almost been hit by passing cars. The protestant also stated that she has a health problem and found it difficult to get up early in the morning for work when she has not had a good night's rest, due to being awakened by the traffic and other noise generated by the Hinderliter operation. Mrs. Green also advised that the loud speakers used by Hinderliter were very offensive and could be heard even in the middle of the night.

Anna Cartwright questioned, in the event of approval of the requested IM zoning, what further construction will take place in the future and how much more of the tract will be utilized and will the noise be increased. She pointed out that the residents of the area cannot afford to move to another location.

Mrs. W. C. Holdridge stated that she resides directly across the street from the subject tract. She advised that she respects the fact that Hinderliter owns the subject tract and that they have cleaned it up and improved the appearance; however, she was interested in their plans for the property. Mrs. Holdridge noted that if it was to be used as a parking lot the residents would want it to be surfaced. The protestant also expressed concern about the noise factor connected with the Hinderliter operation.

Relationship to the Comprehensive Plan: The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use, Low Intensity -- Residential, Development Sensitive and Special District 2.

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

Staff Recommendation:

The Staff recommends APPROVAL of IM, except on the south 5' and the east 5' of the south 94.85' thereof to remain RS-3 for the following reasons:

The subject property is located on the west side of Gary Place, south of Marshall Street. The tract is vacant and is zoned RS-3. The applicant is requesting IM zoning to permit the expansion of the industrial plant to the north.

The expansion of the industrial plant to the north has been recognized in the District 3 Comprehensive Plan. The Staff is concerned that in the proposed expansion that any adverse impacts on the existing single-family residences be minimized. This can be accomplished through the acquisition of neighboring properties in a logical sequence and through zoning controls. The majority of the properties to the south, east and west are owned by the Hinderliter Company. The exception is one single-family residence that will be directly east of the southern portion of the requested zoning change. The Staff feels that the IM zoning pattern is well-established and the southern limits of the IM District align with the requested zoning change.

Z-5490 (continued)

A 5-foot strip of RS-3 will prohibit access to the south and east, will require a solid screening fence and require a 75-foot building setback. This will, in the Staff's opinion, provide the necessary controls for the neighboring residential properties. The Staff is also influenced by the fact that the proposed use for the property will be off-street parking. The present plant or building expansion will not extend to any of the subject application. The owner is seeking a consistent zoning pattern for all of his ownership.

For these reasons, the Staff recommends APPROVAL of IM, except of the south 5' and the east 5' of the south 94.85' to remain RS-3 residential.

Special Discussion for the Record:

David Bagley pointed out that the protestants spoke of their area as being an established and quiet neighborhood and also indicated that Hinderliter has been located there for a number of years, therefore, it would be appropriate to state that the Hinderliter Corporation has contributed to maintaining the neighborhood as quiet and as livable as possible.

In regard to future plans, Mr. Bagley pointed out that Hinderliter's expansion is planned and done in a logical and deliberate sequence. Noting the protestant's concerns about traffic in the area, Mr. Bagely advised that the Hinderliter Corporation would like it very much if Gary Place was closed as a through street to Marshall Street.

Mr. Bagley pointed out that the subject tract had been selected for this application with the understanding that the 75' setback and the screening requirements between industrial and residential use would be adequate protection for the property which is in proximity to the subject tract. He noted that the Staff Recommendation might be more restrictive than necessary for protection of the surrounding land owners.

Commissioner T. Young questioned to what extend Hinderliter is attempting to modify equipment to reduce noise, specifically the noise which occurs during sleeping hours.

John Barker, attorney representing the Hinderliter Corporation, advised that the type of manufacturing process is basically machine tooling; the Company plans to relocate the loading dock and also eliminate the overhead doors adjacent to the residences. He also noted that the Company has made many efforts in the past to discourage employees from using Gary Place.

Burton Person, President of the Hinderliter Corporation, advised that he was unaware of the offensiveness of the paging system used by the Company. He assured the protestants that the Company would make every effort to take care of the noise problem connected with the outside paging system.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IM, except of the south 5' and the east 5' of the south 94.85' to remain RS-3 residential:

Z-5490 (continued)

The South 10 feet and the East 130 feet of the South 270 feet of Lot 6, Tulsa Garden Acres Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Application No. PUD #252
Applicant: Robert J. Nichols (Ira Crews, Jr.)
Location: 55th Place, East of Lewis Avenue

Present Zoning: (W/2 RM-T)
Proposed Zoning: (E/2 RS-3)

Date of Application: December 24, 1980
Date of Hearing: January 28, 1981
Size of Tract: 2.6 acres

Presentation to TMAPC by: Robert Nichols

Address: 111 West 5th Street

Phone: 582-3222

Applicant's Comments:

Robert Nichols advised that a replatting of the tract will be filed in conjunction with the PUD application. He stated that he would like to have a recommendation from the Commission as to the allowable number of units on the subject tract. Mr. Nichols advised that he would like to discuss density, continue the application and return in one week with the site plan for review. Mr. Nichols stated that he would amend his application from the proposed 29 units to 27 units at this time.

In regard to a meeting held with the City Commissioners concerning this application, Mr. Nichols stated that Commissioner Hewgley was quite concerned about the number of units allowed on the tract. The applicant advised he did not feel this should be part of TMAPC's consideration and they should not be prejudiced by the number of units discussed at that meeting. The existing zoning would allow 22 units and by filing the PUD he could have this number of units by right if the application is approved. Mr. Nichols pointed out that the most important parts of solid land use planning, as with this application, is the cost of housing for the consumer. The cost of a residential structure is commonly four times the cost of the lot, therefore, every dollar added to the cost of the lot adds four dollars to the cost of the finished product. The applicant has invested \$250,000 for the acquisition of the land and development; i.e., utilities, streets, sewers and gutters. Therefore, the cost per lot for 22 units would be \$13,600 and for the proposed 27 units - \$11,000, or a cost of \$10,000 more for finished units if only 22 units are allowed. In addition, by allowing a higher density, a greater efficiency of the public utilities will be realized. The projected sales price for each unit is \$70,000 if the proposed 27 units are approved.

Mr. Nichols advised that the placement of the units will be in the interest of the best land use; the existing trees will be preserved if at all possible.

Staff Recommendation:

Planned Unit Development #252 is located on the north side of 55th Place and Atlanta Avenue. The property is zoned a combination of RM-T residential townhouse and RS-3 residential single-family zoning. The applicant has submitted a site plan requesting 29 townhouse dwelling units. The maximum number of dwelling units that can be permitted based on the straight zoning is 22 (27 if RS-3 duplex exception density is used). There are a number of large hardwood trees on the property that should be retained if at all possible. This will require a survey locating the trees and the ones the applicant plans to retain. The Staff is concerned about the orientation of the dwelling units in order to provide compatibility with abutting single-family residences and in order to save as many trees as possible.

PUD #252 (continued)

The original site plan shows a north-south building orientation, the Staff would suggest an east-west building orientation in order that the ends of the structures face the abutting single-family.

Therefore, the Staff recommends a continuance of the application to allow the applicant time to reduce the number of units, to revise the site plan and provide the location of the trees on the site.

Protestants: None.

Special Discussion for the Record:

The Staff advised that the request for RM-T zoning on the subject tract was denied previously due to concerns about the density on this property.

Commissioner T. Young noted that anytime the Commission acts on zoning, if there are two tracts, RM-T and RS-3, he expected to see a PUD requesting maximum density.

Mr. Gardner advised that the Ordinance states that in calculating maximum density permitted within a PUD the gross land area is divided by the minimum land area per dwelling unit in the applicable use district to calculate the density. The minimum land area per dwelling unit is 3,600 sq. ft. in the RM-T District and 8,400 sq. ft. in the RS-3 District. He pointed out that the applicant is stating that under the exception uses of the RS-3, duplex uses is permitted by exception and a 5,000 sq. ft. minimum land area is permitted on the exception for the RS-3 District as opposed to the 8,400 which is the applicable use district. The Staff advised that this has never been done in the past, and advised against using this formula to permit the maximum density.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Avey, Gardner, Inhofe "absent") to allow density of 27 units and continue the PUD to February 4, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, on the following described property:

Lots 1 through 7, Block 1, The Vinyard Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

PUD #128-A Charles Ramsay South side of 71st Street and west of Peoria Avenue

The Staff recommended this item be tabled.

The Chair, without objection, tabled PUD #128-A.

There being no further business, the Chair adjourned the meeting at 4:00 p.m.

Date Approved _____

February 11, 1981

Carl H. [Signature]

Chairman

ATTEST:

Marion E. Holliday
Secretary