

TULSA METROPOLITAN AREA PLANNING COMMISSION

MINUTES of Meeting No. 1353

Wednesday, April 8, 1981, 1:30 p.m.

Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller	Holliday	Alberty	Jackere, Legal
Freeman	Inhofe	Gardner	Department
Gardner	Petty	Howell	
Higgins	C. Young	Lasker	
Kempe, 2nd Vice-Chairman		Matthews	
Petty		Wilmoth	
T. Young			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, April 7, 1981, at 10:37 a.m., as well as in the Reception Area of the INCOG Offices.

Vice Chairman Kempe called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Higgins, Holliday, Inhofe, Parmele, C. Young "absent") to approve the Minutes of March 25, 1981 (No. 1351).

DIRECTOR'S REPORT:

Consideration of FY '81 Capital Review Projects:

Dane Matthews advised that the Comprehensive Planning Division Staff of INCOG has reviewed the City of Tulsa's 1981 proposed Capital Improvements projects and has found them all to be generally in accord with the Comprehensive Plan. However, peripheral concerns were expressed with the Bishop Tract Detention Park, the horticulture center land acquisition and the zoo concession facilities.

In regard to the Bishop Tract Detention Park, the Staff noted that the concept of multiple-use of detention sites is commendable; however, all variables should be considered before a concentration of seven lighted soccer fields and eight lighted baseball fields are located at Bishop Park. Ms. Matthews pointed out that due to the need for facilities in south and east Tulsa, it would seem logical to spread these facilities over several parks, instead of concentrating them all in Bishop. In this way, citizens and users from several parts of the City could benefit from the same number of resources while congestion could be relieved around Bishop Tract.

The Park Board was granted \$150,000 from the City Commission on March 17, 1981, for the renovation of two portable greenhouses at Woodward Park. This renovation needs to be coordinated with the Horticulture Center Land Acquisition request to relocate these facilities.

Director's Report (continued)

The Staff feels that the cost estimates for the zoo concession facilities are far too high for the types of improvements proposed. Ms. Matthews pointed out that the estimates may be those developed several years ago, when a large central preparation unit with satellite stands was contemplated in which case the estimates should be updated based on the actual CIP proposals. The Park Department recently constructed a combination restroom concession stand for \$65,000 which should lower the cost estimates substantially.

The Staff recommended the proposed CIP projects be approved with reservations on the three aforementioned projects.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-1 (Eller, Freeman, Gardner, Kempe, Petty, T. Young "aye"; no "nays"; Higgins "abstaining"; Holliday, Inhofe, Parmele, C. Young "absent") to support the Staff Recommendation of the Capital Improvements Projects.

Director Jerry Lasker advised the Commission that a tour of various zoning application areas and projects is scheduled for 10:00 a.m. - 3:00 p.m., on April 29, 1981. The INCOG Board of Directors and the Planning Commissioners will be extended an invitation to join the tour.

CONTINUED ZONING PUBLIC HEARING:

Z-5497 Vincent E. Butler, Sr. (Oxford Place) West of the SE corner of 66th St., and Sheridan Road RS-3 to OL

A request (Exhibit "A-1") for continuance of this application and PUD #231-A to May 6, 1981, was received from Ken Adams, Vice President of the Southeast Tulsa Homeowners Association.

A letter (Exhibit "A-2"), from the applicant, John Moody, was presented requesting a continuance of Z-5497 and PUD #231-A to allow time to conclude an agreement with the protestants.

John Moody, applicant, advised that he had met with the homeowners in an effort to reach an agreement for the development of the property. A tentative agreement has been reached and Mr. Moody requested a continuance to allow time to reduce the agreement to writing and be sure that it is acceptable to all homeowners in the area.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to continue Z-5497 to May 6, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. Z-5520

Present Zoning: RS-3

Applicant: William J. Doyle (Metric, Inc.)

Proposed Zoning: IM

Location: East of the NE corner of 59th Street and Mingo Road

Date of Application: February 23, 1981

Date of Hearing: April 8, 1981

Size of Tract: 8.9 acres, more or less

Presentation to TMAPC by: William J. Doyle

Address: 201 West 5th Street, Suite 400

Phone: 583-1115

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1.

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 IM and APPROVAL of IL, for the following reasons:

The subject property is located east of Mingo Road and north of 60th Street. The property is interior in location, is undeveloped and is currently being used for recreational purposes. The property is zoned RS-3 and the applicant is requesting IM zoning to permit industrial development.

The Comprehensive Plan designation Special District 1 on the subject property and surrounding area was for light industrial zoning and development. The zoning that has occurred to date had been restricted to IL. The subject tract abuts IL zoning to the north, west and one lot removed to the east. The subject property is surrounded by light industrial zoning and in the Staff's opinion, does not merit any consideration for departure from IL zoning. The Staff's primary planning concern is the access to 59th Street, which also serves the remaining single-family homes in the area. The ideal situation to the south would be to have primary access to the tract from Mingo Road.

For these reasons, the Staff recommends DENIAL of the requested IM and APPROVAL of IL zoning.

For the record, the Commission may want to restrict access along 59th Street by retaining a 5-foot strip of RS-3 zoning.

Applicant's Comments:

Bill Doyle, represented Metric Corporation, owner of the subject tract dealing in an oil field related business. Mr. Doyle advised that the Company manufactures a valve and a fabricated tubing device which is used to proof-up oil meters used in the oil industry. This is a clean-type of business involving tube bending, welding, and steel fabrication.

Noting the Staff Recommendation for approval of IL zoning, Mr. Doyle stated that IM zoning was requested since the fabrication-type of work could develop into an area that is slightly more intensive, due to the noise, than

Z-5520 (continued)

what is allowed in IL zoning. The IM District would allow the Metric Corporation more flexibility in development of their product.

Protestants: 6 present. Gerald Hicks Address: 5945 S. 99th E. Ave.
 Evelyn Brentlinger 5933 S. 100th E. Ave.

Protestant's Comments:

Gerald Hicks objected to the proposed rezoning because of the adverse affects to the health and well-being of the residents as well as being potentially harmful to the students who live in the area. Mr. Hicks presented a protest petition (Exhibit "B-1") bearing signatures of 40 residents of the area. The petition noted that the streets leading to the subject property are extremely narrow and would not accommodate the large vehicles serving industrial-type areas. This would be a hazard to the school children and to the residents of the area. Additional concerns were the noise, air pollution and traffic which would be generated by the proposed use of the subject tract.

Mr. Hicks advised that the roads in the area have not been maintained or resurfaced since the area was annexed by the City of Tulsa. The roads have an oil layer with a fine chipping resulting in a top layer of approximately 1/4 inch, which would not be conducive to industry traffic. The protestant pointed out that many of the area residents have owned their homes for over 20 years. He urged the Commission to deny the application for industrial zoning in their residential area.

Mrs. Evelyn Brentlinger presented a letter (Exhibit "B-2") from the Tulsa City-County Health Department. The letter was in answer to information requested concerning the proposed change in zoning classification for the subject tract. Mrs. Brentlinger pointed out that it was the conclusion of the Air Quality Control Staff that industries such as the proposed use by the Metric Corporation should not be located in an area close to residences, parks and schools.

A letter (Exhibit "B-3") was exhibited from Dr. Wesley Jarman, Superintendent of the Union Public Schools. Union Schools has two campuses in the immediate area of the subject tract. Dr. Jarman was opposed to the proposed IM zoning because of the potential for objectionable odors, loud noise and possible traffic overload in the immediate area.

Special Discussion for the Record:

Commissioner Petty questioned if Mr. Hicks was in opposition to any rezoning of the area or just to the requested IM zoning. Mr. Hicks stated that he would like to keep this as a residential area.

Commissioner T. Young asked if the area residents present at the meeting were aware of the District 18 planning process which has been underway the past four or five years. Mr. Hicks advised that the residents had not been notified of the citizen planning process. In addition, the homeowners had not received notification of the pending annexation into the City prior to that action.

Bill Doyle pointed out that all of the property adjacent to and north of the subject tract is zoned IL. He urged the Commission to consider the Staff Recommendation for IL zoning on the subject tract.

Z-5520 (continued)

The Staff recommended denial of IL zoning in the immediate area in 1974. Commissioner T. Young questioned why their recommendation was in favor of the IL zoning on the present application. He also asked how much of the industrially zoned area is developed at this time.

Bob Gardner responded that the Comprehensive Plan designated industrial use in the area; however, it was a matter of timing. The area was being used for residential in 1974 and the Staff was concerned that it be protected for residential purposes until a later time. Mr. Gardner noted that this application points out the fact that planning and zoning affect people's lives and property long before the problem is next door. People should be involved in the process of planning, but too many times they do not become involved until they are directly affected in their immediate area. The Staff could not recall any protests on other IL rezoning applications in the area which were originally recommended for denial by the Staff.

Instruments Submitted: Protest Petition, 40 signatures (Exhibit "B-1")
Letter - City-County Health Dept. (Exhibit "B-2")
Letter - Superintendant of Union Public Schools
(Exhibit "B-3")

TMAPC Action: 7 members present.

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

The E/2 of the North 590' LESS and EXCEPT the South 5 feet of the East 558.6 feet of Lot 4, Section 31, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Application No. CZ-12
Applicant: Roy E. Stanley
Location: North of 156th Street North and East of Highway #169

Present Zoning: AG
Proposed Zoning: IL

Date of Application: February 23, 1981
Date of Hearing: April 8, 1981
Size of Tract: 10 acres, more or less

Presentation to TMAPC by: Roy E. Stanley
Address: R. R. #2, Box 1136, Collinsville, Okla. Phone: 371-2948

Relationship to the Comprehensive Plan:

The Collinsville Comprehensive Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity. The requested IL zoning is not in accordance with the Comprehensive Plan.

The Collinsville City Commission has reviewed this application at their regular meeting on March 23, 1981, and recommended approval of the IL zoning for the tract.

Staff Recommendation:

The subject property is located on the east side of U. S. Highway #169, approximately 1/4 mile north of 156th Street North. The property is zoned AG Agriculture, is undeveloped, with the exception of 2 Propane storage tanks on the frontage of the property. The applicant has requested IL Light Industrial zoning to permit a mini-storage development.

Although the Collinsville Planning Commission and the Collinsville City Commission have recommended approval of this application, the Staff is not prepared to recommend that the Collinsville Comprehensive Plan be revised to encourage industrial development. Some advance planning should occur rather than supporting or rejecting zoning application without guidelines.

The Staff recognizes that there is IL Industrial zoning at the NE corner of 156th Street North and Highway #169, a node. However, the Staff observed upon fieldcheck that there are quality single-family homes being built on the west side of U. S. Highway #169, which could be adversely affected by industrial development along the entire east side of the Highway. The Staff also is concerned about the 1/4 mile depth of the subject application.

Applicant's Comments:

Roy Stanley advised that the subject property is not suitable for residential use due to the dust and noise associated with the rodeo grounds located to the south. Mr. Stanley pointed out various uses in the area including a truck salvage, garage, VFW Club and the rodeo grounds. The applicant plans to construct mini-storage units and other storage buildings for lease.

Protestants: None.

Special Discussion for the Record:

Commissioner T. Young questioned the need for industrial zoning for mini-storage or lease buildings. Bob Gardner stated that mini-storage is permitted in a more restrictive category and general storage would be considered light industry. The IL category would have greater setbacks and requirements; i.e., no open storage, which would provide more control of the use than commercial zoning. There is heavy industrial use of the properties to the south of the subject tract. Ten notices were mailed to sur-

CZ-12 (continued)

rounding property owners; however, there were no protestants in attendance at the meeting.

The Collinsville Planning Commission and the Collinsville City Commission recommended approval of this application. Commissioner T. Young questioned if the Collinsville Comprehensive Plan would need to be amended if the requested IL zoning was approved and if it would also result in a further amendment designating the entire area east of the Highway for industrial development. Mr. Gardner advised that the Plan would need to be amended if the IL zoning was approved. The industrial on the east side of the expressway could be separated from the residential on the west; however, it was the Staff's opinion that it would be necessary to consider the total area if the industrial use was approved.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to recommend to the Board of County Commissioners that the following described property be rezoned IL:

The west one-half of a 10-acre tract of land situated in the W/2 of the SE/4 of Section 16, Township 22 North, Range 14 East, Tulsa County State of Oklahoma more particularly described to-wit: Beginning at a point on the East line of the W/2 of the SE/4, Section 16, Township 22 North, Range 14 East; said point of beginning being 659.98' South of the Northeast corner of said W/2 of the SE/4; thence West a distance of 1,321.58' to a point; thence South a distance of 330.01' to a point; thence East a distance of 1,321.87' to a point on the East line of said W/2, SE/4; thence North a distance of 329.99' to the point of beginning, according to the U. S. Government Survey thereof; subject to a 60' roadway on the East and subject to water line easement on the West 10' of the East 70' and LESS and EXCEPT the West 50' thereof for U.S. #169 Highway right-of-way on the West.

CZ-13 E. D. Snapp (Lois Stuck) East of the SE corner of 111th Street and
Highway #75 AG to CG

A letter (Exhibit "C-1") was received from the applicant requesting a continuance of this item. Mr. Snapp advised that he would be unable to attend the meeting due to funeral services for a personal friend.

The letter stated that the Jenks City Council had reviewed the application and recommended approval of the requested CG zoning. There were no protestants to the zoning change.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to continue CZ-13 to April 22, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-14
Applicant: W. P. Buxton, Jr.
Location: South of 31st Street on 137th East Avenue

Present Zoning: AG
Proposed Zoning: CG

Date of Application: February 24, 1981
Date of Hearing: April 8, 1981
Size of Tract: .5 acre

Presentation to TMAPC by: W. P. Buxton
Address: R. R. #2, Box 26, Sand Springs, Okla. Phone 241-2298

Relationship to the Comprehensive Plan:

The subject tract is located within the unincorporated area of Tulsa County which does not have an adopted Comprehensive Plan. In this instance, the Development Guidelines is the sole guide for directing zoning decisions.

The subject property, based upon the Development Guidelines, is located within a subdistrict outside of the intersection node. The intersection node would be the appropriate location for medium intensity commercial uses. The subject request for CG zoning is not consistent with the adopted Development Guidelines.

Staff Recommendation:

The Staff recommends DENIAL of the requested CG or CS zoning, for the following reasons:

The subject property is located on the west side of 137th West Avenue. The nearest functional east-west arterial street would be 41st Street, located approximately 3/4 of a mile to the south. The property is zoned AG Agriculture and the applicant is requesting CG General Commercial zoning.

The subject property is totally surrounded by agricultural zoning and residential development on large tracts. The subject area is rural in character and there are no zoning or planning reasons to depart from the agricultural zoning. The requested CG zoning is "spot zoning", as it bears no relationship to the surrounding zoning and established land use.

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

For the record, if the applicant has a home occupation, we suggest the County Board of Adjustment as the appropriate relief.

Applicant's Comments:

W. P. Buxton advised that he proposes to operate a farm supply and pet store on the subject tract to fill the needs of the area residents. The proposed building for the business will be 2,000 sq. ft. of log or steel construction and will be an attractive structure located near the applicant's home. The access road will be paved with a dust-free material. The exit will be wide, 40'+, with the proper traffic signs provided. Mr. Buxton stated that when he moved to the subject property 16 years ago he projected the operation of the farm supply and pet store in his retirement years. However, due to a vision problem which has developed, it has been necessary to quit the work he has been involved with the past 30 years. Mr. Buxton stated he has been on the job market for the past 18 months.

Protestants: Dan Hobson Address: 1406 West 31st Street, Sand Springs

CZ-14 (continued)

Protestant's Comments:

Dan Hobson presented a protest letter (Exhibit "D-1") from 18 of the surrounding landowners. The letter noted that there are 13 homesites within 1,000 feet of the proposed commercial area. The homeowners were concerned their properties would be reduced in value if the commercial zoning is approved. They were also concerned that approval of this application would lead to additional commercial establishments in the area. Traffic has increased excessively during the past few years with several resulting accidents. Mr. Hobson noted that 137th Street with its narrow width and winding trail is not acceptable for commercial thoroughfare traffic. Since there is no other commercial establishments within a one-mile radius of the subject tract, the homeowners questioned if the "spot zoning" would be in accord with the Sand Springs Comprehensive Plan.

Interested Party: William Fisher Address: 3322 South 137th West Avenue

Interested Party's Comments:

William Fisher advised that he lives in a mobile home immediately south of the subject property. He stated that if the proposed rezoning would not affect the zoning on his property, he would be in favor of the application. In Mr. Fisher's opinion, the traffic generated by the commercial use would not exceed that which would be caused by additional residences in the area.

Commissioner T. Young informed Mr. Fisher that approval of the application would not affect his property in terms of zoning; however, if the area was zoned commercial it would have a dramatic affect on the surrounding area.

Special Discussion for the Record:

In rebuttal to the protestant's concern of increased traffic in the area, Mr. Buxton pointed out that the increase in traffic at this time is due to the growth in the agricultural area to the west and south of the subject tract. People who work in Tulsa and Sand Springs use this road rather than driving through the congested areas where several stops will be necessary. The applicant talked with a patrolman concerning the proposed commercial use; the officer thought there would be less traffic if area residents patronized the local business rather than driving into town and back again. The patrolman was in favor of the proposed exit and advised that it was in the best location available on the two-mile section of 137th Street. Mr. Buxton advised that the street has been rebuilt in the last few years, is very smooth and the speed limit is 35 miles per hour.

A letter (Exhibit "D-2") from the Sand Springs Planning Commission advised that the members ended with a tie vote of 2-2-0; therefore, no recommendation was forwarded.

Commissioner T. Young advised that he was very familiar with the area and would be troubled with the beginning of any commercial zoning in the area. He pointed out that it would not be what the applicant would do individually, but the precedent that would be established by approval of commercial zoning in this area. He suggested the applicant pursue a County Board of Adjustment approval for a home occupation.

Instruments Submitted: Protest Letter, 18 surrounding Landowners (Exhibit "D-1")
Letter, Sand Springs Planning Commission (Exhibit "D-2")

CZ-14 (continued)

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to recommend to the Board of County Commissioners that the following described property be Denied.

The North 132' of the East 240.28', LESS and EXCEPT the East 69.28' of the SE/4 of the NE/4 of the NW/4, Section 21, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

Application No. Z-5521
Applicant: W. Baker Horner

Present Zoning: RM-0, RS-3
and RS-2
Proposed Zoning: CS

Location: SE corner of 12th Street and 129th East Avenue.

Date of Application: February 26, 1981

Date of Hearing: April 8, 1981

Size of Tract: 2.81 acres

Presentation to TMAPC by: W. Baker Horner

Address: 6119 East Admiral Place

Phone: 838-3341

Relationship to the Comprehensive Plan:

The District 17 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 CS District is not in accordance with the Plan Map.

Staff Recommendation:

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

The subject property is located on the east side of 129th East Avenue, between 12th and 13th Streets. 12th Street is not improved, but the dedication has been given. The subject property was denied commercial zoning and approved a combination of RM-0, RS-2 and RS-3 in 1979. There is a single-family dwelling on the property and an accessory building. The applicant is requesting commercial zoning to permit commercial use of the property.

The subject tract is south of the medium intensity node at the intersection of 11th Street and 129th East Avenue. The southwest corner of the intersection was zoned CS commercial with an OL office buffer. The commercial and office zoning on the SW corner is north of the subject property. The Staff can find no reason to depart from the Comprehensive Plan Map and the adopted Development Guidelines. Commercial zoning is inappropriate on the subject tract and would become a springboard to strip commercial zoning on 129th East Avenue.

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

Applicant's Comments:

W. Baker Horner advised that he had been granted a combination of RM-0, RS-2 and RS-3 zoning in 1979. The applicant proposes to construct a building to accommodate his class business. When he approaches a lending institution concerning apartments they have concerns about his location adjacent to a kennel. The applicant stated that the dogs in the kennel are boarded, nervous due to unfamiliar surroundings and consequently, they become noisy. The kennel is clean, the owner is a good neighbor and has, in the past, written a letter in support of Mr. Horner.

Mr. Horner would be willing to compromise on a portion of the RM-0 zoning for the proposed building. The building, to accommodate a small family-owned glass shop, could be constructed on 140' x 150' of the northern portion of the subject tract adjacent to the existing dog kennel. The

Z-5521 (continued)

applicant noted that his son lives in another dwelling on the subject property.

Protestants: Stewart Miller Addresses: 1222 South 131st East Avenue
 Harvey Parks 1221 South 131st East Avenue

Protestant's Comments:

Stewart Miller, who resides directly behind the subject tract, advised that he did not find the dog kennel offensive. He also noted that he was not opposed to the construction of a glass shop, per se; however, he was of the opinion that the applicant is already in violation of the present zoning requirements with the storage building on the subject tract. The existing building was originally represented as a tractor shed. It is a cinder block building approximately 24' tall and 40' long. The protestant expressed concern that he would be unable to control the access to his property if the proposed zoning was approved. Mr. Miller presented a protest petition (Exhibit "E-1") with signatures of seven area homeowners. The residents listed an unacceptable level of noise, pollution, and undesirable traffic as factors which would result in the deterioration of the entire neighborhood. Pictures (Exhibit "E-2") of the existing storage building were presented to the Commission. The building has a large garage door and is used for storage of commercial store fronts. There is a great deal of traffic to the subject tract.

Harvey Parks advised that he lives directly east of the subject tract. He noted that he has lived on this property since 1950 and has just recently had a nice home constructed on the tract. Mr. and Mrs. Parks would like to live in their home for the rest of their lives in peace.

Mr. Parks stated that the existing shed was originally intended for just a roof over a tractor; however, the building was constructed and has, in the past, contained several thousand dollars worth of machines which were operated without permit. The owner worked at night and created a noise level which was disturbing to neighbors trying to sleep. Mr. Parks advised that the dog kennel was in operation prior to annexation of the area.

Instruments Submitted: Protest Petition, 7 signatures (Exhibit "E-1")
Pictures (Exhibit "E-2")

Special Discussion for the Record:

Mr. Horner advised that when he purchased the subject property 5 or 6 years ago, there was an existing 1,000 sq. ft. machine shop with a 9-foot overhead door. The applicant stated he was unaware of the zoning on the property and was disappointed to find the machine shop was in violation of the Ordinance. However, within 10 days, the machinery was moved out and the tenant was off the premises. Since that time, the building has been used as a hobby shop and the storage of boats and yard tractors. There is no glass in the building and the aluminum doors visible behind the building are old and have been stored there due to lack of a better place to put them.

Z-5521 (continued)

Commissioner T. Young suggested that the applicant, since he owns all three tracts of land, could develop the property under a PUD. The multi-family dwellings could be located farther from the kennel and the property developed in an appropriate manner.

Commissioner Eller made a motion to approve the requested CS zoning. The motion received a second.

Commissioner T. Young advised that he did not find any support for approval of the requested zoning either in the adopted plan for the area, physical facts, or any of the arguments presented. Approval of the CS zoning would be opening the door for substantial intrusion along the secondary arterial which could lead to "strip commercial" uses in other areas.

On MOTION of ELLER, the Planning Commission voted 2-5-0 (Eller, Gardner "aye"; Freeman, Higgins, Kempe, Petty, T. Young "nay"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to approve CS zoning. The motion failed.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 5-2-0 (Freeman, Higgins, Kempe, Petty, T. Young "aye"; Eller, Gardner "nay"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be DENIED.

The North 91.5' of Lot 6, All of Lots 7 & 8, all in Block 4, Romoland Addition, in the City and County of Tulsa, Oklahoma.

Application No. Z-5522 Present Zoning: AG
Applicant: Warren G. Morris (Brown, Grove) Proposed Zoning: RMH, CH, FD
Location: North and West of the NW corner of 129th East Avenue and Admiral Pl.

Date of Application: February 26, 1981
Date of Hearing: April 8, 1981
Size of Tract: 30 acres, more or less

Presentation to TMAPC by: Warren G. Morris
Address: P. O. Box 45551 Phone: 627-4300

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- No Specific Land Use, Corridor and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," (1) The CS District is not in accordance with the Plan Map; (2) the RMH District may be found in accordance with the Plan Map; and (3) the FD District is in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of RMH and FD on that portion of the subject property required for floodway, and DENIAL of any CS zoning for the following reasons:

The subject property is located at the intersection of I-244 and 129th East Avenue. The property is zoned AG Agriculture, is undeveloped and is traversed by a creek and floodplain area. The applicant has advertised in the alternative for CS Commercial shopping center, RMH Mobile Home zoning and FD Floodway zoning.

The subject property is located in an area that could be considered for corridor zoning or low intensity zoning. The floodway takes a large portion of the northern boundary of the subject tract. This area will be required for FD Floodway zoning. The balance of the property, in the Staff's opinion, could be developed in a Mobile Home category similar to the property zoned to the west of the subject property. However, approval of commercial zoning would place commercial zoning away from the intersection node, would lead to strip commercial zoning on 129th East Avenue from the exit ramp of I-244 to Admiral Place. The Plan did not recognize any conventional commercial zoning on the subject property nor the property to the east. The Staff feels that any commercial zoning on the subject property is inappropriate, is not consistent with the Plan and should be denied.

For these reasons, the Staff recommends APPROVAL of RMH and required FD zoning and DENIAL of CS zoning.

Applicant's Comments:

Warren G. Morris advised that the people he is purchasing the subject tract from had expressed interest in pursuing commercial zoning on the front portion of the property; however, this did not meet with his needs. Mr. Morris stated that he owns 86 acres to the west of the subject tract. Twenty-five acres of the tract has been given to the City of Tulsa for location of a detention facility. At the present time, the applicant is constructing a detention facility and building up the land for the location of a mobile home park.

Z-5522 (continued)

Mr. Morris requested his application be amended for commercial zoning 350' x 350', on the SE portion of the subject tract with no access from the property onto 129th Street. The commercial area would provide laundry, dry cleaning and grocery store facilities to serve the 600 mobile home park addition now under development. The applicant advised that he would build a collector street for access to the commercial area.

Protestants: None.

Special Discussion for the Record:

Bob Gardner advised that the district is highly overzoned in terms of commercial and much of the land will never develop as commercial. The Staff has been supportive of zoning patterns which will develop in the area. In the event that the Commission recommends approval of the commercial zoning, Mr. Garnder suggested it be approved with access to 129th St. This action would give the Staff some direction in that the Commission agrees, based on the zoning patterns, that commercial use is the only use that is appropriate in the area.

Mr. Morris advised that he has had communication from many older residents who would like to own their own mobile home lots. He pointed out that it would be more convenient for these residents to be able to walk to the nearby shopping area.

Commissioner Petty was of the opinion that the subject tract would have limited use due to its location between the expressway and Admiral Place. Therefore, he was in favor of recommending approval of the amended CS application.

TMAPC Action: 7 members present.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS on the SE portion (350' x 350') and RMH on the balance, except for FD Flooday which is required.

That part of the SE/4, SE/4, lying south of the Expressway right-of-way in Section 32, Township 20 North, Range 14 East in Tulsa, Tulsa County, Oklahoma.

Application No. Z-5524
Applicant: Arthur B. Wilson (Gilbert)
Location: South and East of the SE corner of 32nd Street North and 129th E. Ave.

Present Zoning: AG

Proposed Zoning: IH

Date of Application: February 27, 1981
Date of Hearing: April 8, 1981
Size of Tract: 60 acres, more or less

Presentation to TMAPC by: Art Wilson
Address: 2521 East Independence Ave.

Phone: 834-2812

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2.

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

Staff Recommendation:

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

The subject property is located on the east side of 129th East Avenue, north of Apache Street. The property is zoned AG Agriculture, contains a single-family residence, while the bulk of the property is undeveloped and still in agricultural production.

The subject property is located within Special District 2 of the District 16 Plan. This Special District covers several square miles east of the Mingo Valley Expressway and north of I-44, and is planned for industrial development. The predominant use and zoning classification within this area is industrial, however, there are several residential areas within this Special District which have not converted to industrial and would have no setback or other development standards to protect their area until it converts to industrial. One of those residential areas is north of the subject tract. The Staff is concerned that approval of IH would permit unrestricted utilization of the land without any regard for remaining residential properties. The Staff recognizes that there is a mixture of IH and IM zoning within the area, but in regard for protection of the residential area to the north, we recommend DENIAL of IH and APPROVAL of IM.

NOTE: The Board of Adjustment is authorized to consider the applicant's specific use as a special exception.

Applicant's Comments:

Art Wilson advised that he proposes to locate an asphalt plant on the southern portion of the subject tract. There are two other asphalt plants located within one-quarter of a mile of the applicant's property.

Mr. Wilson presented a permit (Exhibit "F-1") to construct an asphaltic concrete hot drum mix plant which he received from the Air Pollution Control Section of the Tulsa City-County Health Department.

Protestants: Nine present. Paul Navarre, 3111 N. 129th East Avenue
Rosa Jenkins, 2029 North 129th East Avenue
Mrs. Gary Linder, 3110 North 136th East Avenue
4.8.81:1353(17)

Z-5524 (continued)

Protestant's Comments:

Paul Navarre presented a protest petition (Exhibit "F-2") from the area property owners. The 17 residents who had signed the petition were opposed to the change to heavy industrial zoning because it would interfere with the enjoyment and use of their homes and property.

Mr. Navarre advised that he has lived in the area for the past 40 years and felt that the granting of the proposed zoning would be unfair and unjust to the residents of the neighborhood. The protestant was concerned that the asphalt plant would be a health hazard since the south wind would blow the dust into the residents' homes. In addition, an adequate supply of water should be available in case of fire and to control the dust. The area is not presently on City water and Mr. Navarre questioned if the applicant planned to drill wells on the subject tract to meet the demands. Most area residents haul water to help their existing wells. A transcontinental cable runs 25-35 yards from the south property line of the subject tract - no permanent fixtures can be constructed on this easement. Mr. Navarre also advised the Commission concerning the heavy traffic in the area at this time. The protestant expressed concern that the property will be used for a quarry if IH zoning is approved.

Rosa Jenkins stated she has a two-story home and a small two bedroom house on a five acre tract in the area. Her home is adjacent to Mr. Navarre's home and she too, has lived in the neighborhood for 40 years. Mrs. Jenkins advised that the proposed plant would be a dirty operation which will increase the dust and traffic in the area and will reduce the property values of surrounding residential properties. She did not feel the applicant should deprive the area residents of their right to enjoy their homes in peace, happiness and tranquility which they are entitled to.

Mrs. Gary Linder, Mother of seven children, expressed concern that the asphalt plant will affect families living in the area. Any increase in dust in the area will be injurious to the health of the residents.

Instruments Submitted: Permit - City-County Health Dept. (Exhibit "F-1")
Protest Petition (17 signatures) (Exhibit "F-2")
Letter from City-County Health Dept. (Exhibit "F-3")

Special Discussion for the Record:

Mr. Wilson assured the protestant's that he did not have any plans for using the area as a rock quarry. He also advised the Commission that he would not oppose one-half of the subject tract being rezoned IM with the other half to be IH.

In regard to heavy traffic, the applicant stated that his trucks already use the street to haul materials in and out and, therefore, would not generate any more traffic in the future.

Mr. Wilson is purchasing the subject tract from an elderly lady. He stated that he has made a commitment to pay her in monthly installments which will provide her income for the rest of her life.

A letter (Exhibit "F-3") received by the Staff from the Tulsa City-County Health Department, recommended the TMAPC deny the zoning change for the subject property. The letter stated that regardless of the level of air

Z-5524 (continued)

pollution control placed on the asphalt batch plant the plant would create problems; i.e., noise and hours of operation. An attached copy of the letter sent to the applicant revoked the permit issued on March 30, 1981. Mr. Wilson advised the Commission that he had not received the letter.

Commissioner T. Young commented that he felt the Health Department's opposition to the rezoning was inappropriate.

Commissioner Petty had the same objection and noted that the Health Department's stand had no bearing on the zoning recommendation of the Planning Commission.

Wayne Alberty advised that zoning requests are routinely sent to a number of various City and County agencies for their input. On occasion they do offer comments on certain applications which they feel affect their area.

Commissioner T. Young stated that there needs to be a separation understood as to the function of the Planning Commission in making zoning recommendations and the functions of other regulatory bodies with respect to those areas in which they have jurisdiction. Whether an asphalt plant can be built, with the considerations of noise, pollution and other factors, is not within the jurisdiction of the Planning Commission. It is within the jurisdiction of the City-County Health Department and permits can be granted or denied by the Health Department. Therefore, action on this zoning application is only a matter of the appropriateness of industrial use of the land in this area, based upon the whole range of possible uses, recognizing the other industrial development that has occurred and will occur due to the zoning in the area. In the event that industrial zoning is approved, the applicant is still subject to a permit being issued by the Health Department for the plant. The Commissioner stated he found the IH zoning to be of greater intensity than appropriate; however, he advised that he could support IM zoning on the total property because it is consistent with the surrounding zoning.

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Eller, Holliday, Inhofe, Parmele, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IM:

The NW/4 of the SW/4 and the NW/2 of the NE/4 of the SW/4 of Section 21, Township 2 North, Range 14 East, Tulsa County, Oklahoma.

Application No. Z-5525 Present Zoning: RS-1
Applicant: Clinton Seawright and Bertie Lee Swanson Proposed Zoning: OL
Location: NW corner of 85th East Avenue and 21st Street

Date of Application: February 27, 1981
Date of Hearing: April 8, 1981
Size of Tract: 2½ acres

Presentation to TMAPC by: Joe Gannon
Address: 4835 South Peoria Avenue, Suite 4 Phone: Unknown

Relationship to the Comprehensive Plan:

The District 5 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 W/2 and DENIAL of the E/2, for the following reasons:

The subject property is located on the NW corner of the intersection of 21st Street and 85th East Avenue. The property is presently zoned RS-1 and contains a single-family residence on the E/2, the W/2 of the application is vacant. The applicant is requesting OL Low-Intensity Office zoning to permit office development.

The Comprehensive Plan supports OL Office zoning along the frontage property on both sides of 21st Street. The subject tract abuts office zoning on the west, however, RS-1 single-family residential development exists on the east side of 85th East Avenue. From a standpoint of good planning principles the Staff cannot recommend APPROVAL of office zoning that would front existing single-family development. The Staff is concerned about the protection of the existing single-family uses, and therefore, recommends APPROVAL only of the western-half at this time. The long-range zoning on the subject property, together with the property to the east, would be for conversion to light office. However, the Staff feels that the timing on the subject application does not permit the recommendation for approval on the eastern lot until such time as the properties on the east side of 85th East Avenue are ready to convert to office zoning.

For these reasons, the Staff recommends APPROVAL of the W/2 of the subject application and DENIAL of the E/2.

Applicant's Comments:

Joe Gannon advised that the application is made up of two properties; the west side of the tract is owned by Bertie Lee Swanson with Mr. and Mrs. Clinton Seawright owners of the east tract. Mr. Gannon stated that the applications had been filed jointly, since the owners of the properties felt it more compatible to provide that the future use of the entire corner would be for light office.

Protestants: Joada McGehee Address: 1915 South 85th East Avenue

Z-5525 (continued)

Protestant's Comments:

Joada McGehee, who resides directly across the street from the subject tract, advised that 85th Street is a very narrow street, very ill-kept, and has a lot of chug holes and a washboard effect. A business in the area would generate additional traffic on the already heavily used street. Water absorption and runoff were also concerns of the protestant. Additional asphalt in conjunction with the proposed office use would cause even greater runoff than previously found in the neighborhood.

Ms. McGehee advised of two home occupations in the area which create additional traffic in the neighborhood. She stated she would not be as greatly opposed to the rezoning application if ingress and egress to the subject property was from 21st Street.

Interested Party: Don Harrington Address: 2202 South Madison Avenue

Interested Party's Comments:

Don Harrington advised that he owns property in the immediate area. He pointed out that most of the property is vacant along 21st Street and very undesirable for houses.

Clint Seawright, owner of one portion of the subject tract, advised that he had appeared at the meeting to protest the application of the Car Doctor. Mr. Seawright stated that he would like to keep the area for residential use; however, the home occupations, the garage and the beauty shop, are intrusions into the residential use of the neighborhood at this time. He requested that some determination should be made on the zoning of the total area. Mr. Seawright stated he did not plan to construct a business on his property, but did not want his tract to remain in a residential category with office use approved adjacent to it.

Special Discussion for the Record:

In regard to the home occupations mentioned by the protestant, Bob Gardner advised that one of the businesses involved an automobile repair service. This business, The Car Doctor, was shut down by the District Court, but has apparently started up again. The Commission directed the Legal Department to check into the legality of the garage.

Commissioner Petty questioned if the Staff would support OL on the entire property if a small strip on the east side was zoned for residential use. Bob Gardner pointed to a similar circumstance at 45th Street and South Harvard Avenue, noting that the Commission zoned all of the lot except for a strip for access control. Later, the strip was removed when the property to the north was rezoned. He advised that this type of zoning pattern would require a screening fence the full length of the residential strip with no access to the subject tract from 85th East Avenue.

Joe Gannon requested that a clear determination of the zoning in the area be made. Items such as ingress and egress, proper drainage facilities and traffic patterns will be address in the platting stage. Mr. Gannon was of the opinion that the application is consistent with the Comprehensive Plan.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Eller, Holliday, Inhofe, Parmele, C. Young "absent") to recommend to the Board of

Z-5525 (continued)

City Commissioners that the following described property be rezoned OL,
except a 5-foot strip along the east boundary to remain RS-1:

OL: The East 300' of the South-Half of Block 9, O'Connors Park,
LESS and EXCEPT the East 5 feet thereof, City of Tulsa, Tulsa
County, Oklahoma.

Z-5526 Van N. Eden (Saied, Samara) South of the SW corner of 32nd Street
and Braden Avenue RS-2 to OL

Van N. Eden advised that he felt the most appropriate procedure, in light of the opposition and the Staff's unfavorable recommendation, would be to retain the services of a land use specialist to study how to best utilize the subject tract. He was of the opinion that a change in zoning would be sought in the future; however, he was not prepared to pursue that at this time. Mr. Eden requested the application be withdrawn.

Noel Eden stated that he has been counseling the owners of the subject tract for some time. The subject property is 180 feet wide on the east side of Yale Avenue and 400 feet deep.

A letter (Exhibit "G-1") was received from Nan Hall and E. W. Hall, residents of the area, requesting the proposed zoning change be denied. They expressed concern that if the zoning was allowed it would be the first step in the destruction of the Highland Park neighborhood.

Janet Bradley, Chairman, City Government Committee, Highland Park Home-owner's Association, presented a letter (Exhibit "G-2") to the Commission reflecting the concerns of the area residents. The letter noted that the proposed zoning is not in accord with the District 6 Plan.

Mrs. Bradley, questioned if all surrounding homeowners would be notified concerning future considerations of this application. She was advised that they would be notified, in writing, of the hearing.

The Chair, without objection, withdrew application Z-5526.

Application No. Z-5527
Applicant: Van N. Eden (Thornton)
Location: Between East 51st Street and Broken Arrow Expressway, East of
129th East Avenue

Date of Application: February 27, 1981
Date of Hearing: April 8, 1981
Size of Tract: 18.8 acres, more or less

Presentation to TMAPC by: Noel Eden
Address: 1646 East 15th Street Phone: 583-8521

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- No Specific Land Use and Corridor,

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

Staff Recommendation:

The Staff recommends APPROVAL of CO and FD on any portion required for floodway, for the following reasons:

The subject property is located approximately 1/4 of a mile east of 129th East Avenue, between 51st Street and the Broken Arrow Expressway. The property is vacant, zoned AG Agriculture, and the applicant is requesting CO Corridor zoning and FD Floodway zoning.

The subject property is located within a designated Corridor. The majority of the corridor formed by 51st Street on the north, Broken Arrow Expressway on the south, 129th East Avenue on the west and 145th East Avenue on the east, has been zoned either Corridor or OM Medium Office. The Staff believes that the CO District classification is the most appropriate zoning for the subject property. Therefore, the Staff recommends APPROVAL of CO, except on any portion required for the FD Floodway.

Applicant's Comments:

Noel Eden advised that the owners of the subject property had originally owned the tract now occupied by the Metropolitan Life Insurance Company. The owners of the subject tract do not want to develop the property in any way that would not be compatible with Metropolitan Life. A private restriction placed on the property states: "no use less restrictive than OL zoning may be put in affect on the subject property without consultation with Metropolitan Life.

Protestant: Charles Gotwalls Address: 4th National Bank Building

Protestant's Comments:

Charles Gotwalls, attorney for Metropolitan Life Insurance Company, advised that the Company had purchased their property from Mr. Thornton who is now owner of the subject tract. Metropolitan Life is of the opinion that corridor zoning on the subject property would be inappropriate at the present time. Mr. Gotwalls pointed out that the Company feels they are protected by the setbacks, restrictions and usages of the OL zoning agreed to in 1972.

Special Discussion for the Record:

Mr. Eden advised that he would accept OL zoning on the subject tract; however, he did not think OL zoning fit the pattern. He pointed out that if a prospective buyer suggested a more intense use of the property and offered more money, Metropolitan Life has the option to purchase the subject tract at that price.

Z-5527 (continued)

Bob Gardner advised that the application could not be amended to the OL zoning category; the CO District is a category which does not allow the flexibility to change. The Comprehensive Plan states two alternatives, either low intensity or corridor. The Staff would be in support of OL zoning on the subject tract if properly advertised.

Commissioner Petty noted that it is the responsibility of this Commission to judge applications as to the highest and best use of the properties involved. Any private agreements entered into between individuals are best worked out by themselves and should not be considered by the Commission.

TMAPC Action: 6 members present.

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

CO: That part of the NW/4 of Section 33, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, lying North and East of the Broken Arrow Expressway; LESS and EXCEPT the North 1,124.75 feet of the East 873 feet thereof, containing 57.15 acres, more or less; and LESS and EXCEPT all that part of the NW/4 of Section 33, Township 19 North, Range 14 East of the IB&M, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, lying North and East of the Broken Arrow Expressway described as follows, to-wit:

Beginning at the NW corner of said Section 33; thence North 89°-57'-48" East along the North boundary of said Section 33, a distance of 1,614.45'; thence South 0°-20'-27" East 1,569.27' to a point in the Northerly right-of-way line of the Broken Arrow Expressway; thence North 58°-58' West along the Northerly right-of-way line, 210.47'; thence North 47°-39' West along said Northerly right-of-way line 255.00'; thence North 58°-58' West along said Northerly right-of-way line, 400.00'; thence North 50°-15' West along said Northerly right-of-way line 1,153.30'; thence South 89°-52'-11" West 24.75' to a point in the West boundary of said Section 33; thence North 0°-07'-49" West along the West boundary of said Section 33 a distance of 344.30' to the point of beginning.

PUD #231-A John Moody (Oxford Place) North and West of the NW corner of 66th
Street and Sheridan Road (RS-3)

A letter (Exhibit "H-1") was presented from the applicant requesting a continuance of PUD #231-A to allow time to conclude an agreement with the protestants.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to continue PUD #231-A to May 6, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Rustic Meadows Amended (PUD #250) (1183) 81st Street and South 77th E. Ave.
(RS-3)

The Staff presented the preliminary plat with the applicant represented by John Moody.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Rustic Meadows Amended, subject to the conditions; and subject to the notation regarding 74th East Avenue.

A letter of protest was presented at the April 1, 1981, TMAPC hearing, which advised that members of the Central Church of the Nazarene were opposed to the elimination of the extension of 74th East Avenue. Also, Kathy Wilson, President of the Southeast Tulsa Homeowner's Association stated that the area residents to the north of the subject tract are opposed to any extension of 74th East Avenue.

John Moody, applicant, advised that when the original Rustic Meadows single-family plat was presented to the Commission, the City of Tulsa required, as a part of the plat, purchase of the additional land in order to dedicate it solely for street purposes to provide access to the area. Mr. Moody noted that the streets would be adequate to handle any increased traffic since the density of the proposed Addition is RS-3, which is the density the streets were designed to carry.

He expressed concern that with the access open to the south, if the street is opened, the Church will have the capability to develop the property on the north into any type of residential use they desire, including a PUD such as Rustic Meadows. The fire station is located on 71st Street and access from that station would be from the north to 74th Street.

The homes of the homeowners who were opposed to the opening of the street are all located in the Union School District. Their homes are located on the S/2 mile section with access to the Schools on the south. Therefore, the presumptions which were presented to the Commission that residents of Rustic Meadows would be traveling north on the protestant's street would be completely opposite. Mr. Moody requested that the street remain open.

Commissioner T. Young pointed out that the Church development of the north portion of their tract would be greatly restricted by the creek. Members of the Church are requesting that something be reserved to allow them access to their property from the back side. Commissioner Young stated that the access curbing into the Church property would provide the opportunity for a crash gate to be built at the cul-de-sac proposed in the subdivision so that the fire truck could still get through if it needs to. A commitment has been made to the homeowners to close the access, the City Commission has approved that action and the PUD is now Ordinance. Commissioner Young did not think anything could be changed regarding the street.

On MOTION of HIGGINS, the Planning Commission voted 4-2-0 (Freeman, Gardner, Higgins, Kempe, "aye"; Petty, T. Young "nay"; no "abstentions"; Eller, Holliday, Inhofe, Parmele, C. Young "absent") for approval of the preliminary plat of Rustic Meadows Amended, including leaving the connecting street, 74th East Avenue, to the north open, subject to the following conditions:

Rustic Meadows Amended (continued)

1. The previous plat should be properly vacated prior to filing this plat of record.
2. All conditions of PUD #250, except closing 74th Street, shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
3. 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.
4. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language required in covenants.) (Show restricted water line easement as 20'.)
5. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the City Engineer.
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.
8. Street names shall be approved by City Engineer. Show on plat as required.
9. It is recommended that the developer coordinate with Traffic Engineering during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
10. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
11. The restrictive covenants and deed of dedication shall be submitted for review prior to Planning Commission meeting with preliminary plat. (Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.)
12. 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.)
13. All (other) Subdivision Regulations shall be met prior to release of final plat. (Staff)

CITGO Second Addition (1583) SW corner of 81st Street and Sheridan Rd. (CS)

Mr. Wilmoth advised that all letters were in the file and final approval and release was recommended.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Freeman, Gardner, Higgins, Kempe, Petty T. Young "aye"; no "nays"; no "abstentions"; Eller, Holliday, Inhofe, Parmele, C. Young "absent") for final approval and release of CITGO Second Addition.

Pet Memorial Cemetery (913) 11010 North Yale Avenue

(AG)

All letters have been received and the Staff recommended final approval and release of Pet Memorial Cemetery.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Freeman, Gardner, Higgins, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Eller, Holliday, Inhofe, Parmele, C. Young "absent") to approve the final plat and release of Pet Memorial Cemetery.

Due to loss of the quorum, the following items were continued to April 15, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center:

Rustic Meadows Amended (PUD #250) (1183) 81st Street and South 77th E. Ave.
Minor Amendment (RS-3)

Crow-Dobbs Office Park (PUD #202) (283) 61st St. & South 76th East Avenue
(CS)

Crow-Dobbs Office Park II (1793) West of SW corner of 21st Street and
South Columbia Place (OL)

Grantham Addition (1393) SE corner of 21st Street and South 92nd E. Avenue
(CS)

Garnett Place (3194) West side of South Garnett Road, 1/4 mile North of
61st Street (IL)

Forest Park Patio Homes (PUD #139) (3692) 57th Place and South Owasso Ave.
(RM-1)

Caven-Wood, Block 2 (183) SW corner of 61st Street and South 86th East
Avenue (OM)

PUD #202 (Charles Norman) SW corner of 61st Street and Memorial Drive

Consider approving Amendment to the Certificate of Dedication and Declaration of Protective Covenants of Shadow Mountain II.

The Chair adjourned the meeting at 5:00 p.m.

Date Approved

April 23, 1981


Chairman

ATTEST:

Cherry A. Kempe
Acting Secretary

(

(

(