

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1355
Wednesday, April 22, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Freeman Higgins Kempe, 2nd Vice-Chairman Parmele, 1st Vice-Chairman Petty C. Young, Chairman T. Young	Gardner Holliday Inhofe	Alberty Gardner Howell	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, April 21, 1981, at 11:10 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Eller, Higgins, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Holliday, Inhofe, Parmele "absent") to approve the Minutes of April 22, 1981 (1353).

REPORTS:

Committee Reports:

Commissioner Petty, Chairman of the Comprehensive Plan Committee, advised that the Committee members had adopted the proposed Amendment to the Open Space Plan which will be considered by the Planning Commission on May 6, 1981.

The Metropolitan-Wide Policies were also discussed at the Comprehensive Plan Committee Meeting. Dane Matthews presented a report noting that the policies are still in Staff review and will be presented to the Planning Commission during the next fiscal year. Commissioner Carl Young requested that the Metropolitan-Wide Policies be expedited and given priority so that they may be finished as soon as possible.

DIRECTOR'S REPORT:

Bob Gardner presented the Resolution adopting an Amendment to the Tulsa City-County Major Street and Highway Plan, Parts of the Official Master Plan of the Tulsa Metropolitan Area. This Amendment was reviewed and adopted by the Planning Commission on March 25, 1981.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Higgins, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Parmele "absent") to adopt the Resolution Adopting An Amendment to the Tulsa City-County Major Street and Highway Plan, Parts of the Official Master Plan of the Tulsa Metropolitan Area as follows:

RESOLUTION NO. 1355:541

WHEREAS, On the 28th day of February, 1968, the Tulsa Metropolitan Area Planning Commission adopted the Tulsa City-County Major Street and Highway Plan, which Plan was on the 1st day of March, 1968, approved by the Board of Commissioners of the City of Tulsa, Oklahoma, and approved on the 11th day of March, 1968, by the Board of County Commissioners of Tulsa County, Oklahoma, and was duly filed of record; and,

WHEREAS, Based on continuing comprehensive planning, the Tulsa Metropolitan Area Planning Commission has caused to be prepared an amendment to the Tulsa City-County Major Street and Highway Plan to accomplish the following purposes:

1. Change that portion of the City-County Major Street and Highway Plan in Osage County to correspond with the Comprehensive Plan District 11 arterial and collector street alignments. (Almost all of the proposed major roadway alignments in southeast Osage County are being modified to reflect Comprehensive Plan District 11 and Sand Springs Comprehensive Plan amendments.)
2. Relocate Pine Street, west from the Gilcrease Expressway (as shown in the District 11 Plan) to State Highway #97 (McKinley Road), to correspond to amended Sand Springs Major Street and Highway Plan; to remain as a secondary arterial.
3. Delete Pine Street from McKinley Road (State Highway #97) to 129th West Avenue to correspond to updated Sand Springs Major Street and Highway Plan.
4. Change 81st West Avenue to a primary arterial from a secondary arterial from the Keystone Expressway north to proposed intersection with McKinley Road (State Highway #97) to correspond to amended Sand Springs Major Street and Highway Plan.
5. Relocate 129th West Avenue from the 12th Street extended to McKinley Road to correspond to amended Sand Springs Major Street and Highway Plan; to remain a secondary arterial.
6. Change that portion of the City-County Major Street and Highway Plan to correspond with the amended Sand Springs Major Street and Highway Plan proposal for arterials and collectors.
7. Change that portion of Tower Road north of State Highway #51 from a secondary arterial to a collector street.
8. Add that portion of Sand Springs Park Road from Adams Road (97th West Avenue) to 81st Street as a secondary arterial to correspond to the Sand Springs Major Street and Highway Plan.
9. Add collector street designations and alignments for streets located north and south of 41st Street South and between 129th West Avenue and 113th West Avenue (State Highway #97); in conformance with the updated Sand Springs Major Street and Highway Plan.

Director's Report: (continued)

10. Add collector street designations and alignments for streets located north and south of 41st West Avenue and between 161st West Avenue and 145th West Avenue; in conformance with the updated Sand Springs Major Street and Highway Plan.
11. Delete 176th Street North as a secondary arterial, between Cincinnati (State Highway 11) and the Osage-Tulsa County line, and provide collector extension and loop alignment back to Cincinnati to complement the area topography; in conformance with proposed Skiatook Comprehensive Plan 1980-2000.
12. Delete 166th Street North as a secondary arterial, from Peoria Avenue to the Osage-Tulsa County line, and provide collector street extensions and loop alignments to complement the area topography; in conformance with proposed Skiatook Comprehensive Plan 1980-2000.
13. Delete 156th Street North as a secondary arterial, from Peoria Avenue to the Osage-Tulsa County line, and provide collector street extensions and loop alignments to complement the area topography; in conformance with the proposed Skiatook Comprehensive Plan 1980-2000.
14. Modify alignment of "133rd" Street North to provide connection with 134th Street North from $\frac{1}{4}$ mile west of Cincinnati Avenue (State Highway 11) to Osage Avenue (Osage-Tulsa County line); to remain a secondary arterial; in conformance with proposed Skiatook Comprehensive Plan 1980-2000.
15. Provide 124th Street North and 126th Street North secondary arterial and connection between Cincinnati Avenue (State Highway 11) and 41st West Avenue; in conformance with proposed Skiatook Comprehensive Plan 1980-2000.
16. Modify alignment of 116th Street North to provide connection with 114th Street North; to remain as a secondary arterial; in conformance with Skiatook Comprehensive Plan 1980-2000.
17. Provide an extension of 106th Street North from Cincinnati Avenue (State Highway 11) west to connect with 103rd Street North as a secondary arterial; in conformance with North Tulsa County Comprehensive Plan (Cherokee Corridor) 1980-2000.
18. Modify the extension of 86th Street North to connect with 91st Street North; to remain as a secondary arterial; in conformance with proposed North Tulsa County Comprehensive Plan (Cherokee Corridor) 1980-2000, the District 11 Plan, and the Osage Route Study.
19. Add collector street alignments to complement the area topography; in conformance with proposed Skiatook Comprehensive Plan 1980-2000.
20. Delete collector streets in conflict with area topography; in conformance with proposed Skiatook Comprehensive Plan 1980-2000.
21. Designate 116th Street North as a primary arterial from a secondary arterial, from Garnett Road (State Highway #20) to the Cherokee Expressway (U. S. #75); in conformance with North Tulsa County Comprehensive Plan (Cherokee Corridor) 1980-2000.

Resolution: (continued)

22. Add collector street alignments for area generally between 126th St. North and 96th Street North and between Lewis Avenue and Memorial Drive (as depicted on map); in conformance with North Tulsa County Comprehensive Plan (Cherokee Corridor) 1980-2000.
23. Modify Osage Expressway alignment from 106th Street North to W. C. Rogers Boulevard (State Highway #20) to the Preferred Alternative (Osage Route, EIS, USDOT and ODOT); in conformance with recommendations of the Osage Route Study.
24. Provide for primary and secondary arterial and collector street designations in Osage County according to the proposed Skiatook Comprehensive Plan 1980-2000.
25. Delete 131st Street South as a secondary arterial, from the Okmulgee Expressway (U. S. #75) to 33rd West Avenue, and provide collector extension and loop alignment to complement the area topography; in conformance to Glenpool Comprehensive Plan 1980-2000.
26. Designate 151st Street South as a primary arterial from a secondary arterial, from 33rd West Avenue ("County Line" road) to Memorial Boulevard; in conformance to the Glenpool Comprehensive Plan 1980-2000 and the Bixby Major Street and Highway Plan.
27. Modify the alignment of 161st Street South to complement the area topography, from ½ mile west of the Okmulgee Expressway (U. S. #75) to 33rd West Avenue; in conformance with the Glenpool Comprehensive Plan 1980-2000.
28. Provide collector street and service roads alignments as proposed by the Glenpool Comprehensive Plan 1980-2000, and delete those in conflict with the Plan.
29. & 30. Modify curvilinear alignment of Elwood Avenue and Peoria Avenue at 181st Street South to provide "T" intersections with 181st Street South on the north and south sides; in conformance with Glenpool Comprehensive Plan 1980-2000; to conform to present intersection alignments (presently a 1100' offset between existing centerlines of Peoria and Elwood north and south of 181st Street South).

WHEREAS, the Tulsa Metropolitan Area Planning Commission did call a Public Hearing for the 23rd day of March, 1981, and did give public notice thereof on the 24th day of February, 1981, for the purpose of considering adoption of an amendment to the Tulsa City-County Major Street and Highway Plan; and,

WHEREAS, Said Public Hearing was held on the 23rd day of March, 1981; and,

WHEREAS, After due study and deliberation it is deemed to be necessary to the accomplishment of the best physical development of the Tulsa Metropolitan Area, that the Tulsa City-County Major Street and Highway Plan be amended.

Resolution: (continued)

NOW, THEREFORE, BE IT RESOLVED, that the amendment to the Tulsa City-County Major Street and Highway Plan, attached and depicted hereto as Exhibit "A-1" and made a part hereof, be and the same is hereby adopted as an amendment to the Tulsa City-County Major Street and Highway Plan, a part of the Official Master Plan of the Tulsa Metropolitan Area.

APPROVED AND ADOPTED THIS 22nd day of April, 1981
by a vote of 7 "ayes" and 0 "nays" with 0 abstaining, a
majority of the full membership of the Planning Commission including its
ex officio members, as provided by law.

CONTINUED ZONING PUBLIC HEARING:

Application No. CZ-13	Present Zoning:	AG
Applicant: E. D. Snapp (Lois Stuck)	Proposed Zoning:	CG
Location: East of the SE corner of 111th Street and Highway #75		

Date of Application: February 23, 1981
Date of Hearing: April 22, 1981
Size of Tract: 4 acres, more or less

Presentation to TMAPC by: Duane Snapp
Address: 8260 South Harvard Avenue

Phone: 481-0020

Relationship to the Comprehensive Plan:

The Jenks Comprehensive Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity.

The Jenks Planning Commission, on March 12, 1981, voted 7-0-0 to recommend approval of CS. The Jenks City Council, on April 6, 1981, voted 4-2-0 to recommend approval of CG.

Staff Recommendation:

The Staff recommends DENIAL of CG and APPROVAL of CS, except on the east and south 75 feet to be zoned OL, for the following reasons:

The subject property is located on the SE corner of the Okmulgee Beeline and 111th Street South. The property is zoned AG and the applicant is requesting CG general commercial zoning.

The Jenks Comprehensive Plan does not recognize a commercial node on the subject tract. However, due to the moving of the expressway interchange to 121st Street, the subject tract can now be considered for commercial zoning. The Staff is concerned about the intensity of development under the CG zoning, and the fact that no buffer or transition from commercial uses to single-family uses has been provided. The Staff feels that the CS zoning would permit a wide range of retail shopping and commercial uses, while eliminating the general commercial uses that would be incompatible with single-family residences. A 75-foot buffer of OL is the minimum width for an OL lot and could develop either offices or be used for off-street parking. This would assure a 75-foot commercial building setback from the residential instead of merely 10 feet.

Based on these findings, the Staff recommends APPROVAL of CS, except the east and south 75 feet to be zoned OL.

Applicant's Comments:

Duane Snapp, applicant, advised that he plans to develop the subject tract into a quality strip shopping center. Mr. Snapp stated that he would be restricted to use the south portion of the subject property for light office development and was further restricted with no access from the Okmulgee Beeline. Access to the office development would be through the commercial shopping area. The applicant advised that without CG zoning to allow development of a good quality complex of retail space it would be economically infeasible to develop the property with the required OL zoning on the south portion and the balance of the tract zoned CS.

Protestants: None.

CZ-13 (continued)

Special Discussion for the Record:

Commissioner T. Young suggested the applicant file a PUD on the subject tract whereby the two zoning uses could be combined and the proposed use of the property could be achieved.

Bob Gardner advised that the OL zoned property could be used for parking. He pointed out that if the subject tract was developed conventionally the shopping center could be located on the commercial (OL) line, with a row of employee parking behind the building to physically separate the objectionable aspects of the commercial further from the single-family neighborhood.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Freeman, Higgins, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be re-zoned CS, except the east 75' and a portion of the south boundary equal to 75' from the rear lot line of the single-family for OL:

AG to CS: A tract of land in the NW/4 of the NW/4 of Section 35, Township 18 North, Range 12 East, Tulsa County, Oklahoma, being more particularly described as follows: Commencing at the NW corner of said NW/4, NW/4, Section 35; thence South $89^{\circ}-49'-19''$ East along the North line of said NW/4, NW/4 a distance of 121.00' to the Point of Beginning; thence South $89^{\circ}-49'-19''$ East along the North line of said NW/4, NW/4 a distance of 465.50'; thence due South a distance of 377.00'; thence North $89^{\circ}-49'-19''$ West a distance of 467.14' to the East right-of-way line of U.S. Highway #75; thence North $00^{\circ}-14'-56''$ East along said East right-of-way line a distance of 377.00' to the Point of Beginning, containing 4.036 acres, more or less, LESS and EXCEPT the East and South 75' thereof; and

AG to OL: The East and South 75' of the following described tract: A tract of land in the NW/4 of the NW/4 of Section 35, Township 18 North, Range 12 East, Tulsa County, Oklahoma, being more particularly described as follows: Commencing at the NW corner of said NW/4, NW/4, of Section 35; thence South $89^{\circ}-49'-19''$ East along the North line of said NW/4, NW/4 a distance of 121.00' to the Point of Beginning; thence South $89^{\circ}-49'-19''$ East along the North line of said NW/4, NW/4 a distance of 465.50'; thence due South a distance of 377.00'; thence North $89^{\circ}-49'-19''$ West a distance of 467.14' to the East right-of-way line of U.S. Highway #75; thence North $00^{\circ}-14'-56''$ East along said East right-of-way line a distance of 377.00' to the Point of Beginning, containing 4.036 acres, more or less.

ZONING PUBLIC HEARING:

Application No. CZ-15 Present Zoning: RS-1
Applicant: Thomas P. Birmingham Proposed Zoning: IL
Location: NE corner of 46th Street and 45th West Avenue

Date of Application: March 2, 1981
Date of Hearing: April 22, 1981
Size of Tract: 304' x 306'

Presentation to TMAPC by: Tom Birmingham
Address: 410 Beacon Building

Phone: 587-7234

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 6.

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

Staff Recommendation:

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

The subject property is located on the NE corner of 45th West Avenue and 46th Street South. The property is zoned RS, is vacant and the applicant is requesting IL light industrial zoning to accommodate a trucking company. The District 9 Plan calls for a zoning transition district to be located on the properties on the north side of 46th Street. These properties abut an IM District to the south. The IL light industrial district provides that transition between the medium industrial zoning and development to the south and the RS single-family development to the north of the subject property. IL zoning is consistent with the Comprehensive Plan for District 9, and accordingly, the Staff recommends APPROVAL.

Applicant's Comments:

Tom Birmingham, attorney representing the applicant, advised that the adjacent property to the west of the subject tract is also owned by the applicant. There is an existing truck terminal located on that property zoned IL. The subject tract will be utilized as an expansion of storage for the existing truck terminal. The existing street, 46th Street, terminates and there is no street on the south side of the subject property.

The subject tract, platted in the 1920-1930's, is not serviced by sewer and has never developed as residential property.

<u>Protestants:</u>	Theresa Haynes represented by	Address:	4221 W. 45th W. Ave.
	David Pugh		
	Howard Childers		4448 S. 43rd W. Ave.
	Robert L. Jones		4440 W. 45th Street
	R. H. Gosnell		4322 W. 45th Street

Protestant's Comments:

David Pugh, representing Theresa Haynes, listed several objections to the zoning application. He noted that it would interrupt the neighborhood atmosphere north of 46th Street, since it would increase the noise level and would also increase traffic in the area. Mr. Pugh stated that additional noise generated from this development would be an infringement upon the rights of several older residents living in the established neighborhood.

CZ-15 (continued)

Others in the area have recently completed extensive remodeling and improvements to their homes; they are concerned with a decrease in property values due to the trucking development.

Howard Childers advised that he has lived in the area for the past six years and has made considerable improvements in the home the last two years. He pointed out that there is considerable truck traffic on 45th Street and 45th West Avenue. The streets are not wide enough or surfaced properly for heavy truck use.

Robert L. Jones, representing his mother, stated that she has lived in the area for the past 45 years. Mr. Jones noted that the doctor has recommended peace and quiet away from smoke and dust for his mother's health.

R. H. Gosnell presented a protest petition (Exhibit "A-1") bearing 30 signatures of area residents. Mr. Gosnell advised that the increased truck traffic would present a greater danger to the small children living in the area. He also noted that the increased large truck traffic would further damage the streets which are not designed for truck traffic. The general eyesore of the industrial buildings and the industrial noise were also objections of Mr. Gosnell. The protestant stated that a drainage ditch carries water runoff to Crystal City - he expressed concern that if the ditch was filled in it would cause problems to other properties in the area.

Instruments Submitted: Protest Petition, 30 signatures of area
Residents (Exhibit "A-1")
Letter from District 9 Planning Team (Exhibit "A-2")

Special Discussion for the Record:

Mr. Birmingham advised that the Special Study completed in 1976, indicated there were 10 commercial and industrial uses within a 5-6 block area near the subject tract. It was the applicant's opinion that the proposed IL zoning would provide the needed buffer area between the heavy industrial area and residential neighborhood to the north.

Commissioner T. Young questioned if 45th West Avenue would be used for access to the subject tract. The applicant advised that all access to the existing truck terminal was from 46th Street and he anticipated access to the subject tract would also be from 46th Street. Mr. Birmingham suggested the south portion of 45th Street be vacated and the street closed - this would eliminate truck traffic through the residential area.

A letter (Exhibit "A-2") was received from the District 9 Planning Team. The letter stated that over 50% of District 9 has been and is, zoned for some type of industrial zoning and there are several hundred acres available for development that are already zoned industrial and not in use. The Planning Team protested any further industrial zoning in the District until the already industrially-zoned land is used.

Commissioner Parmele made a motion for approval of the requested IL zoning as recommended by the Staff and in accordance with the Plan Map. The motion received a second.

CZ-15 (continued)

Commissioner T. Young stated he would favor restricting the IL zoning to all but the north 35 feet to force the line of industrial zoning to be maintained with the established line to the west. It was Commissioner Young's opinion that the use of the tracts on 46th Street could be nothing by industrial use and the tracts north of the current line of IL zoning will remain in residential use. Therefore, the Commissioner was in favor of IL zoning on the tract with the exception of the north 35 feet. Commissioner Young also noted that the drainage problem will be taken into consideration prior to the time that any construction can occur.

Commissioner T. Young offered a substitute motion to approve IL zoning on all but the north 35 feet of the subject tract.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-1-0 (Freeman, Higgins, Kempe, Parmele, Petty, C. Young, T. Young "aye"; Eller "nay"; no "abstentions"; Gardner, Holliday, Inhofe "absent") to recommend to the Board of County Commissioners that the following described property be rezoned IL on all except the north 35 feet, which will remain RS-1:

Lot 3, Block 2, Yargee Homesite Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, LESS and EXCEPT the North 35 feet thereof.

Application No. Z-5528

Present Zoning: AG, FD

Applicant: James W. Miller

Proposed Zoning: CS, FD

Location: SW corner of 41st Street and Mingo Valley Expressway

Date of Application: March 3, 1981

Date of Hearing: April 22, 1981

Size of Tract: 3.5 acres

Presentation to TMAPC by: Mohamed Qureshi

Address: 1535 South Main Street, Broken Arrow 74012

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The Staff recommends APPROVAL of CS zoning, except on that portion that may be required for FD Floodway zoning for the following reasons:

The subject property is located at the SW corner of the intersection of 41st Street and the Mingo Valley Expressway. The property is zoned AG and contains a single-family dwelling and an accessory building. The applicant has requested CS commercial shopping center zoning to permit commercial development of the tract.

The subject property is located at the intersection of a primary arterial street and an expressway. Commercial zoning has been approved to the north, to the east and to the west of the subject property. Commercial zoning is consistent with the Comprehensive Plan and accordingly, the Staff recommends APPROVAL of the requested CS zoning and FD Floodway District if required on the subject tract.

Mohamed Qureshi, representing the applicant, advised that he did not have any comments concerning the application.

Protestants: None.

TMAPC Action: 8 members present.

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

The East 300' of the North 528.53' of the NE/4 of the NW/4 of Section 30, Township 19 North, Range 14 East, LESS the North 50' and LESS the East 63.55' thereof.

Z-5529 (continued)

a distance of 2.32'; thence South $38^{\circ}-48'-42''$ West a distance of 21.10'; thence Southeasterly along a curve to the right, with a radius of 482.98', a distance of 94.15'; thence North $37^{\circ}-00'-03''$ East a distance of 2.50' to the Point of Beginning, said tract containing 942.3 square feet, or 0.022 Acres, more or less.

Tract #2: A tract of land in the City of Tulsa, situated in the S/2 of the NE/4 of Section 30, Township 19 North, Range 14 East, of the IB&M in Tulsa County, Oklahoma. Said tract being wholly contained in Lot 3, Block 2, Towne Center II. Beginning at the NE corner of Lot 2, Block 2; thence North $51^{\circ}-22'-21''$ West a distance of 66.13' to the Point of Beginning; said Point being on the Easterly Boundary of Lot 3; thence North $51^{\circ}-22'-31''$ West a distance of 49.11'; thence South $37^{\circ}-00'-03''$ West a distance of 2.50'; thence Southeasterly along a curve to the right, with a radius of 482.98', a distance of 49.12'; to the Point of Beginning, said tract containing 40.8 square feet, or 0.001 Acres, more or less.

Application No. Z-5530
Applicant: Thomas Cromly (Crow-Pat, Inc.)
Location: SE corner of 61st Street and 33rd West Avenue

Present Zoning: RS-3
Proposed Zoning: RM-T

Date of Application: March 9, 1981
Date of Hearing: April 22, 1981
Size of Tract: 7 acres, more or less

Presentation to TMAPC by: Robert Patterson
Address: 7448 South Winston Place

Phone: 494-4759

Relationship to the Comprehensive Plan:

The District 8 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 DENIAL of the requested RM-T zoning for the following reasons:

The subject property is located south of 61st Street along the east side of 28th West Avenue. The subject tract is zoned RS-3 and is platted into single-family lots. The applicant is requesting RM-T townhouse zoning to permit development of townhouses.

The subject properties are located within the interior of a detached single-family residential area. The RM-T zoning would permit a development density more than twice that of the RS-3 zoning. The Staff can find no basis for increasing the density on the subject property and we feel that there must be some other reason other than financial, for supporting an increased density, especially in the interior of a newly developing neighborhood.

For these reasons, the Staff recommends DENIAL of the requested RM-T zoning.

Applicant's Comments:

Robert Patterson presented a plat (Exhibit "B-1") and artist's rendering (Exhibit "B-2") of the proposed development. Mr. Patterson pointed out that Golf Estates II will act as a buffer to anything to the west from approximately 200 feet to 500 feet where it abuts West Highlands II. The proposed townhouses will front to undeveloped single-family lots owned by the applicant.

All of the townhouses will be developed for ownership and will be sold as a fee simple piece of property. Each townhouse unit will have its own front and back yard, carport and storage area. The carports will be located to the rear of the townhouses. All of the property included in the proposed zoning backs up to the golf course or to other property owned by the applicant.

Mr. Patterson, noting the changing market, stated that developers are not able to control construction costs as far as materials; however, by controlling the lot sizes it is possible to offer units at an affordable price. The applicant noted that the townhouse units would be an excellent buy for prospective homeowners.

Z-5530 (continued)

<u>Protestants:</u>	Marsha Odell	Address:	2924 West 62nd Street
	Liz Khan		2909 West 66th Street
	Sandra Rana		2937 West 66th Street
	Dan Miles		6329 South 30th West Avenue
	Kevin Manier		2923 West 66th Street
	Eugene Hay		6308 South 30th West Avenue
	Kathy Miles		6329 South 30th West Avenue
	John Groves		6366 South 29th West Place
	Sharon Hay		6308 South 30th West Avenue

Protestant's Comments:

A protest Petition (Exhibit "B-2"), containing 268 signatures of area property owners and residents, was presented.

Marsha Odell advised the Commission that if the proposed rezoning is approved it will more than double the density of the area. Mrs. Odell also noted the increase in traffic which would be generated by the development as well as the additional number of children to be bussed to Jenks schools. The protestant also expressed concern that the additional density will reduce the effectiveness of police and fire protection in the area.

Liz Khan advised that she has two small children and was very concerned about the traffic hazard in the area with the additional traffic. Mrs. Kahn also felt that if the proposed development is approved it will open the door for future development of the area which is now zoned for agriculture and the area will not remain residential.

Sandra Rana expressed concern about her home in the area which she invested in three years ago under the assumption that the area would remain residential. Mrs. Rana noted that access to the area is limited to two points: West 61st Street, a two-lane road and West 64th Place South. She pointed out that the latter access route leads into the heart of West Highlands II, thereby increasing the traffic flow and subsequently increasing the dangers to children and other pedestrians living in West Highlands II. The protestant questioned, if the proposed development is a separate development, why did the applicant build the only other access street out of the entire area into the West Highlands II Subdivision. Mrs. Rana stated that 61st Street is not very wide and has created a serious traffic problem which necessitates a policeman on duty at the intersection every afternoon during the rush hour traffic.

Dan Miles questioned the difference between a townhouse and an apartment. He expressed concern that, even though the townhouses are individually owned, they will be rented just as apartments.

Kevin Manier advised that he had moved into this residential area because it was a quiet neighborhood with single-family dwellings. Mr. Manier stated he was opposed to townhouses or apartments in the area.

Eugene Hay stated that 30th West Avenue is the main street through the proposed development. The street enters onto 33rd and 61st Streets where there has already been two accidents involving children. Mr. Hay expressed concern that townhouse development would more than double the traffic and increase accidents in the area.

Z-5530 (continued)

The area from 71st Street to Crystal City is patrolled by one policeman. Mr. Hay advised that the crime rate is already high in the area and if the density is doubled the crime rate will be even higher.

Kathy Miles advised that there has been a lot of talk about future development on the east side of South 28th West Avenue and she questioned what will stop the developers from constructing townhouses in the cul-de-sacs adjacent to the back of single-family residences.

Another protestant, John Groves, stated that it seemed very inconsistent to sandwich a totally different type of development - townhouses - in the middle of the single-family residential areas. Mr. Groves also noted the traffic hazard with added density in the area.

Sharon Hay pointed out that most of the protestants in attendance at the hearing have small children. The parents are very concerned about safety of their children with the increased traffic generated by the proposed townhouse development. Mrs. Hay did not feel it was fair to allow this development in an area where families have moved in and are trying to develop a nice residential neighborhood.

Instruments Submitted: Plat (Exhibit "B-1")
Artist's rendering (Exhibit "B-2")

Special Discussion for the Record:

Noting the Staff Recommendation for denial, Commissioner T. Young questioned why this would not be a good location for townhouse development. Bob Gardner advised that this is a very unusual pattern and there are no guidelines that would encourage this type of development. The Staff would not be opposed to townhouses when they back to single-family lots; however, some of the lots front the subject property and even though the townhouses are individually owned, they present a different type of lifestyle.

In answer to Commissioner Parmele's question concerning other multifamily development or attached dwellings in the area, Mr. Gardner advised that there are several other developments - separate communities - that were surrounded by the golf course. These townhouse areas do not front single-family residences.

Commissioner T. Young advised that the applicant had discussed the townhouse project with him and at that time he was in support of the application. However, due to the strength and number of protests against the proposed rezoning he would support denial of the application.

Commissioner Parmele stated that the fact that there are other townhouses within the section abutting the golf course would lend credence to the fact that more townhouses should be allowed to provide a different type of housing for those who desire it. He advised that he could not vote for denial of the application.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 4-0-0 (Freeman, Kempe, C. Young, T. Young "aye"; Eller, Higgins, Parmele, Petty "nay"; no "abstentions"; Gardner, Holliday, Inhofe "absent") for denial of the application.

Z-5530 (continued)

On MOTION of PARMELE, the Planning Commission voted 4-4-0 (Eller, Higgins, Parmele, Petty "aye"; Freeman, Kempe, C. Young, T. Young "nay"; no "abstentions"; Gardner, Holliday, Inhofe "absent") to recommend approval of RM-T zoning.

The application was forwarded to the City Commission with no recommendation from the Planning Commission, on the following described property:

Lot 1, Block 5, Golf Estates II
Lots 1 thru 15, Block 2, Golf Estates II
Lots 1 thru 10, Block 3, Golf Estates II
to the City of Tulsa, Tulsa County, Okla.

Application No. Z-5531

Applicant: Gary K. Rice

Location: NE of West 51st Street and South 33rd West Avenue

Present Zoning: RS-3, CS

Proposed Zoning: CS

Date of Application: March 10, 1981

Date of Hearing: April 22, 1981

Size of Tract: 5 acres

Presentation to TMAPC by: Darvin Brown

Address: Beacon Building

Phone: 587-7234

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium-Intensity -- Commercial on the CS portion and Low-Intensity -- Residential on the RS-3 portion.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map on the portion already zoned CS, and is not in accordance with the Plan Map on the RS-3 zoned portion.

Staff Recommendation:

The Staff recommends DENIAL of the requested CS zoning on the RS-3 portion, for the following reasons:

The subject property is located on the east side of 33rd West Avenue, between 50th and 51st Streets. The property contains a small tract of commercial zoning which is developed with a service station and the balance of the property zoned RS-3 is developed into single-family homes. The applicant is requesting CS zoning on the entire tract to accommodate commercial development.

The subject application is totally without merit. It violates the principles of good planning and the Comprehensive Plan. It would establish commercial zoning within an established residential area. Homes would front into commercial on two sides (east and west) and would side on the north. Strip zoning and development would occur north along 33rd West Avenue. Many homes would be adversely affected by such a change.

The Staff can find absolutely no justification for this request and accordingly, recommends DENIAL.

NOTE: The Zoning Code requires that the applicant have the approval of all property owners before filing for rezoning on their properties.

Commissioners Kempe and Petty announced they would not take part in the discussion or vote on this application.

Applicant's Comments:

Darvin Brown, representing the applicant, present a plat (Exhibit "C-1") showing the various zoning categories in the area. The four corners are zoned commercial, service stations are located on three corners with a grocery store located on the fourth corner. A convenience retail outlet is proposed for the subject tract. This use will not generate traffic from outlying areas, but will provide the kind of amenities which will strengthen the neighborhood. The development will be screened and will provide off-street parking. Many of the large trees will be retained on the subject tract. Access to the property will be from 33rd West Avenue.

Z-5531 (continued)

The neighborhood has not had the kind of paving, guttering, curbing, drainage and amenities that it is entitled to. Therefore, this is a neighborhood in transition. Due to the age of the residents in the area and the lack of public improvements it would not be practical or feasible for the owners in the block to do much on their own about upgrading the neighborhood.

Mr. Brown presented a petition (Exhibit "C-2") signed by area residents. The petition was in favor of the proposed commercial zoning on the subject tract.

<u>Protestants:</u>	Bob Walker	Address:	2355 West 51st Street
	Eleanor Shreve		5011 South 35th West Avenue

Protestant's Comments:

Bob Walker advised that he has lived in the area in excess of 60 years. Mr. Walker stated that the streets in the area are very narrow and not adequate for additional traffic. He also expressed concern, on behalf of some of the residents living near the subject tract, about the trash and the burning of trash behind the proposed development.

Eleanor Shreve pointed out many other stores and shopping areas nearby. She did not feel there is a need for additional stores in the neighborhood.

Interested Party: Mary Johnson Address: 5026 South 32nd West Avenue

Interested Party's Comments:

Mary Johnson advised that the neighborhood was platted a long time ago and is old. At the present interest rates on borrowing money it would be impossible to remodel these older homes and get your money back when they are sold. There are no sidewalks or paved streets in the area. Mrs. Johnson stated that the traffic has become so heavy in the area she cannot allow her children to play outdoors. It was Mrs. Johnson's opinion that the proposed development will cut down on traffic. Approximately 24 cars will no longer use the road to and from home each day, it would also discourage a lot of the traffic which goes through to get back out on 33rd Street and many of the people will be stopping at the proposed retail store rather than traveling through the area enroute to another shopping area. Mrs. Johnson stated she felt the proposed development would be beneficial to the neighborhood and would be much better than having a very stagnant area.

A letter (Exhibit "C-3") from the District 9 Planning Team was exhibited. The Planning Team strongly objected to the proposed rezoning and the encroachment into the residential area.

Instruments Submitted: Plat of the area (Exhibit "C-1")
Petition in Support (Exhibit "C-2")
of application
Letter from District (Exhibit "C-3")
9 Planning Team

Special Discussion for the Record:

Mr. Brown presented pictures (Exhibit "C-4") of the subject tract and surrounding area to illustrate the status of various uses in the neighborhood. The applicant advised that the proposed development would be a good use of

Z-5531 (continued)

the land and will strengthen the neighborhood. It will make first class facilities available, within walking distance, to many area residents. Gary Rice, applicant, holds valid options on every lot in the block under application. All of the owners of these lots have signed the petition recommending approval of CS zoning.

Commissioner T. Young stated that one factor in favor of the application is that residents on 32nd West Avenue, across the street from the subject tract, have signed the petition in favor of the rezoning. In addition, several residents, across the street on 33rd West Avenue have also signed the petition in favor of the change.

Commissioner Higgins pointed out that the number of people signing the petition in favor of the rezoning indicated a need for this change in the neighborhood. Residents of the area are interested in improving the neighborhood in which they reside.

TMAPC Action: 8 members present.

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

Block 4, Carbondale Subdivision in the City of Tulsa, Oklahoma.

Z-5523 (continued)

TMAPC Action: 8 members present.

On MOTION of PARMELE, the Planning Commission voted 8-0-0 (Eller, Freeman, Higgins, Kempe, Parmele, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS, RM-2, RM-0:

From OL and RS-3 to CS: The South 200 feet of the East 120 feet of the West 725 feet of the SW/4 of the SE/4 of Section 17, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma.

From OL & RS-3 & RM-0 to RM-2: The North 145 feet of the South 505.00 feet of the West 725 feet of the SW/4 of the SE/4 and the North 305 feet of the South 505 feet of the East 120 feet of the West 725 feet of the SW/4 of the SE/4, ALL in Section 17, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma.

From RS-3 to RM-0: The East 55' of Lot 5, and all of Lots 6, 7, 8, and 9, Block 3, Cedarcrest, an addition to the City and County of Tulsa, Oklahoma, according to the recorded plat thereof.

Application No. PUD 256

Present Zoning (CS,OL,RM-0,RS-3)

Applicant: Tom Tannehill (Never Fail Builders)

Location: North of the NE corner of 91st Street and Delaware Avenue

Date of Application: February 27, 1981

Date of Hearing: April 22, 1981

Size of Tract: 10 acres, more or less

Presentation to TMAPC by: Tom Tannehill

Address: 525 South Main Street, Suite 202 Phone: 583-3171

Staff Recommendation:

Planned Unit Development #256 is located north and east of the NE corner of 91st Street and Delaware Avenue. The property is zoned a combination of CS, OL, RM-0 and RS-3. The applicant has filed a zoning application (Z-5523) requesting RM-2 and RM-0, and the PUD requesting 196 condominiums. The PUD is dependent upon the approval of Z-5523 for the density to permit the 196 dwelling units. The Staff has recommended APPROVAL of Z-5523 and can recommend APPROVAL of PUD #256, subject to the following conditions:

1. That the applicant's Site Plan and Text be a condition of approval, unless modified herein.
2. That the maximum number of dwelling units be 196 to be comprised by two-story condominium units.
3. That the minimum building setbacks be as follows:
 - From 90th Street and College Avenue -- 35 feet,
 - from the CS District -- 20 feet, and
 - from Delaware Avenue & 91st Street -- 35 feet.
4. That a 5-foot minimum perimeter green landscaped area be provided on the west, north and east adjacent to the street right-of-way, except for the driveway accesses to the property.
5. That the minimum livability area, to be landscaped with sod and plant materials, be 253,178 square feet as provided in the applicant's PUD Text.
6. That a homeowners association be formed for the maintenance of all open areas, pool and clubhouse, parking areas, and private streets.
7. That the pool and clubhouse designed for the sole use of the PUD residents be permitted.
8. That off-street parking spaces be provided at the ratio of 1.5 per 1 bedroom, or efficiency units, and 2 per 2 bedrooms, or larger units.
9. That a detailed site plan be submitted for review and approved by the TMAPC prior to the request for issuance of any building permits.
10. That a subdivision plat incorporating within the restrictive covenants the PUD conditions of approval and making the City of Tulsa beneficiary to said Covenants, approved by the TMAPC and filed or record in the County Clerk's Office prior to the issuance of any building permits.

Applicant's Comments:

Tom Tannehill, attorney representing the applicant, advised that the plot plan includes structures which would intrude within the minimum building setback as set out by the Staff. He stated that the nature of those structures would be covered parking.

The applicant, Never Fail, Jr., stated one covered parking area per unit has been designated

Bob Gardner stated that the Staff Recommendation item No. 3, could be modified to include, "that the minimum building setback, excluding any covered parking, be as follows:" The parking relationship to other items could be covered in the detailed site plan.

Mr. Fail advised that he planned to file a lot-split application to split off a portion of commercially-zoned property which will be added to the residential development. He requested that the minimum building setbacks from the CS District -- 20 feet, as set forth in No. 3 in the Staff Recommendation, be modified.

Mr. Gardner suggested the condition be modified to read: "20 feet from the abutting commercial development boundary on the south." The applicant stated this modification would be acceptable to him.

In regard to condition No. 4 of the Staff Recommendation, which includes a 5-foot minimum perimeter green landscaped area be provided on the west, north and east adjacent to the street right-of-way, Mr. Tannehill advised that the applicant plans a 12.5 ft. of green landscaped area.

Mr. Fail stated there is a 50-foot right-of-way with a 26-foot street; he plans to start at the curb and landscape with a berm, trees and grass, to the property line. The parking area and private yards will continue on from the property line. The additional 5-feet of green landscaped area as proposed by the Staff would decrease the private yards of the property owners.

Mr. Tannehill pointed out that the applicant proposed to berm the City right-of-way rather than leave it as open space. He will use the 12 feet of right-of-way and an additional 1/2 foot of his property for green space.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of PETTY, the Planning Commission voted 8-0-0 (Eller, Freeman, Higgins, Kempe, Parmele, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved, subject to the conditions set forth by the Staff and modifying conditions #3 and #4 of the Staff recommendation as follows:

3. That the minimum building setbacks, excluding any covered parking, be as follows:

- From 90th Street and College Avenue -- 35 feet.
- From the abutting commercial
development boundary on the south -- 20 feet.
- From Delaware Avenue & 91st Street -- 35 feet.

4. That a 1-foot minimum perimeter green landscaped area be provided on the west, north and east adjacent to the street right-of-way, except for the driveway accesses to the property.

PUD #256 (continued)

All of Block 3, Cedarcrest, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, and the North 305 ft. of the South 505 ft. of the West 725 ft. of the SW/4 of the SE/4 of Section 17, T-18-N, R-13-E, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Beginning at a point which is 200 ft distant on a bearing of N 0° 24' 03" E from the Southwest corner of the SW/4 of the SE/4 of Section 17, T-18-N, R-13-E; thence N 0° 24' 03" E along the West line of said SW/4 of the SE/4 a distance of 305.00 ft.; thence Due East a distance of 40.00 ft.; thence N 0° 24' 03" E along the East right-of-way line of South Delaware Avenue a distance of 136.00 ft. to a point on the South right-of-way line of East 90th Street South; thence Due East along said south right-of-way line of East 90th Street South a distance of 444.00 ft.; thence along a curve to the left having a central angle of 11° 00' 00" and a radius of 425.00 ft. a distance of 81.59 ft.; thence N 79° 00' 00" E a distance of 74.95 ft. thence on a curve to the right having a central angle of 11° 00' 00" and a radius of 375.00 ft. a distance of 71.99 ft.; thence Due East a distance of 139.29 ft., thence on a curve to the right, having a central angle of 75° 00' 00" and a radius of 20.00 ft., a distance of 26.18 ft. to a point on the West right-of-way line of South College Avenue; thence S 15° 00' 00" E along said West right-of-way line a distance of 60.76 ft.; thence on a curve to the right, having a central angle of 28° 00' 00" and a radius of 300.00 ft. a distance of 146.61 ft.; thence S 13° 00' 00" W a distance of 133.55 ft.; thence on a curve to the left, having a central angle of 13° 00' 00" and a radius of 450.00 ft., a distance of 102.10 ft.; thence Due South a distance of 170.00 ft. to a point on the North right-of-way line of East 91st Street South; thence Due West along said North right-of-way line a distance of 124.65 ft. to the Southwest corner of Lot 9, Block 3, Cedarcrest; thence N 0° 24' 03" E along the West line of said Lot 9, Block 3 a distance of 150.01 ft.; thence Due West a distance of 725.00 ft. to the POINT OF BEGINNING, and containing 406.526 square feet, or 9.33 acres, more or less.

Application No. Z-5532
Applicant: John Moyer (William Venable)
Location: 700 Block North Memorial Drive

Present Zoning: OL
Proposed Zoning: CS

Date of Application: March 11, 1981
Date of Hearing: April 22, 1981
Size of Tract: .6 acre

Presentation to TMAPC by: John Moyer
Address: 525 South Main Street, Suite 300

Phone: 585-9211

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium-Intensity--Commercial.

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

Staff Recommendation:

The Staff recommends APPROVAL of the requested CS zoning for the following reasons.

The subject property is located on the west side of Memorial Drive, north of I-244. The property is zoned OL and the applicant is requesting CS commercial shopping center zoning.

The subject property was originally zoned to provide a buffer strip between the commercial to the south and the residential zoning to the north. However, since that time, commercial zoning has been approved to the north of the subject tract. Commercial zoning exists to both the north and to the south of the subject application.

The requested zoning is consistent with the Comprehensive Plan, and therefore, the Staff recommends APPROVAL of CS commercial zoning.

Applicant's Comments:

John Moyer advised that the subject tract, an OL zoned strip, was originally zoned to provide a buffer between the commercial to the south and one residence located to the north. Removal of the OL designation will allow development of the subject tract.

Interested Parties: T. L. Markham Address: 722 North Memorial Drive
John D. Simmons 716 North Memorial Drive

Interested Party's Comments:

T. L. Markham and John D. Simmons questioned what the applicant proposed to develop on the subject tract and if it would affect their properties.

They were advised that the proposed rezoning would not affect the zoning on their properties.

Protestants: None.

Z-5532 (continued)

TMAPC Action: 7 members present.

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

The North 50' of the South 132' of the North 396' of the NE/4 of the SE/4 of the SE/4 of Section 35, Township 20 North, Range 13 East, Less and Except the West 50' thereof.

Z-5533 John Moody (Midwesco Ind., Inc.) SW corner of East 71st Street and
South Yale Avenue OM to CS

A letter (Exhibit "D-1") was exhibited from the applicant, John Moody, requesting a continuance of the application to May 27, 1981. This continuance would allow time to develop and file a PUD application.

The applicant, John Moody, was present at the meeting.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Higgins, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Parmele "absent") to continue Z-5533 to May 27, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5534

Present Zoning: RS-1 & RS-3

Applicant: Tom Tannehill (Never Fail Builders)

Proposed Zoning: RM-T

Location: NE corner of 90th Street and Delaware Avenue

Date of Application: March 18, 1981

Date of Hearing: April 22, 1981

Size of Tract: 8 acres, more or less

Presentation to TMAPC by: Tom Tannehill

Address: 525 South Main, Suite 202

Phone: 583-3171

Mr. Tannehill was present, but did not comment on the application.

Relationship to the Comprehensive Plan:

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the 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 property is located north and east of the NE corner of 91st Street and Delaware Avenue, on the north side of 90th Street and on the east side of College Avenue. The properties are zoned RS-1 and RS-3 and are platted as single-family lots. The applicant is requesting RM-T townhouse zoning.

The intersection node of 91st Street and Delaware Avenue is not a typical situation in that medium intensity zoning exceeds the typical 5 acres allocation. The Staff has recommended approval of RM-0 zoning across the street from the proposed RM-T zoning (application No. Z-5523). The requested townhouse development will front apartment zoning, will back to single-family residential development and the access for the townhouse is separate and apart from any single-family homes.

Based on these land use relationships, the Staff recommends APPROVAL of the requested RM-T zoning.

Protestants: None.

TMAPC Action: 8 members present.

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

Lots One (1) through Eleven (11), Block 2, Cedarcrest Addition to the City and County of Tulsa, Oklahoma, according to the recorded plat thereof.

Application No. Z-5535
Applicant: Luttrell Oil Company, Inc.
Location: North of the NE corner of 12th Street and Fulton Avenue

Present Zoning: RM-2
Proposed Zoning: IM

Date of Application: March 18, 1981
Date of Hearing: April 22, 1981
Size of Tract: 50' x 330', more or less

Presentation to TMAPC by: Lane Pennington
Address: 10 East 3rd Street, Suite 700

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The Staff recommends DENIAL of IM and APPROVAL of IL, except on the west 5', for the following reasons:

The subject property is located north of the NE corner of 12th Street and Fulton Avenue. The property is zoned RM-2, contains open-air storage and truck parking, and the applicant is requesting IM zoning.

The subject application was precipitated when an error in the legal description for Z-5420 (south of subject tract) was detected. The Staff, for the same reasons as stated in Z-5420, can not support IM, but realizes that IL industrial zoning with modifications is reasonable. Limiting the intensity and controlling access is the reason the Staff supports IL zoning, except the west 5'.

Applicant's Comments:

Lane Pennington, attorney for the applicant, stated that due to a 25-foot survey error, the first application presented last spring did not go to the City Commission. Mr. Pennington questioned if the IL zoning, as recommended by the Staff, affects the access of trucks to the parking area.

Bob Gardner advised that trucks are permitted in an IL District. The 5-foot strip of RM-2 zoning on the east side of Fulton Avenue would prevent any access to the subject tract from that street. The applicant owns the property to the north and access to the subject tract is presently from the north.

Mr. Pennington advised that there will not be any storage of gas-type products on the premises.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Eller, Freeman, Higgins, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL, except the west 5' to remain RM-2:

Z-5535 (continued)

The North 25' of the South 150' of the NE/4 of the NE/4 of the NW/4 of Section 10, Township 19 North, Range 13 East, lying West of the Railroad Right-of-Way, Tulsa County, Oklahoma.

Application No. CZ-16

Present Zoning: AG

Applicant: Thomas & Janel Peterson

Proposed Zoning: RMH

Location: South of 41st Street and West of 177th West Avenue

Date of Application: March 18, 1981

Date of Hearing: April 22, 1981

Size of Tract: 20 acres, more or less

Presentation to TMAPC by: Tom Peterson

Address: 4313 Sunburst East, Sand Springs, Ok.

Relationship to the Comprehensive Plan:

The subject property is located within an unincorporated area of Tulsa County which does not have an adopted Comprehensive Plan. The adopted Development Guidelines do apply and will be used to evaluate the subject application.

The subject property is designated by the Development Guidelines as a subdistrict.

Staff Recommendation:

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

The subject property is located on either side of Coyote Trail, south of 41st Street and west of 177th West Avenue. The property is zoned AG and has mobile homes developed on the portion south of Coyote Trail. The subject property is located within a subdistrict and RMH zoning may be accommodated within the subdistrict. Mobile homes are currently in existence within the immediate area.

The Staff feels that the RMH district is appropriate within the subject area and accordingly, recommends APPROVAL.

For the record, density within the proposed development will be controlled by the Health Department and Subdivision platting process.

Applicant's Comments:

Tom Peterson was present and advised that he would defer comment until after the protestants presented their objections.

<u>Protestants:</u>	Phyllis Boles	Addresses:	R. R. #3, Box #224-E, Sand Springs
	James Scott		R. R. #3, Box #223-D, Sand Springs
	Eldon Bicker		R. R. #3, Box #223, Sand Springs
	Judy Scott		R. R. #3, Box #223-D, Sand Springs
	W. T. Jeffers		1600--121st Street, Jenks, Oklahoma

Protestant's Comments:

Phyllis Boles advised that she was one of the first homeowners in the area. Her home is located on a 2½ acre tract adjoining a 5-acre tract which is owned by her brother. Mrs. Boles has recently completed an addition to her home and plans to expand the house further if the subject application is not approved.

Discoveryland is located in this area and Mrs. Boles advised that people visiting in the area expect it to stay as it is. All of the homes are located on approximately 2½ acres; there are a few mobile homes located in the area which are located on acreages and owned by the occupants.

CZ-16 (continued)

The area is served by a 2-inch water line which is inadequate to serve the number of homes in the neighborhood. There is no existing sewer line to service a mobile home park. The alternative is an open lagoon system which Mrs. Boles stated would be unacceptable to the area residents.

Mrs. Boles presented a protest petition (Exhibit "E-1") bearing 32 signatures of area residents. The petition listed the lack of sewer and water facilities, increased traffic and the high "occupancy turnover" rate associated with a mobile home park as objections to the rezoning application.

James Scott advised that the people whose signature appears on the protest petition represent 100% of the people owning land and living in the area. The land is the highest priced land in the area and residents are concerned that the proposed mobile home park would cause a decline in property values. The land is dense clay and the density of septic tanks required for a mobile home development could easily overload the ground and create both a health hazard and contaminating "runoff" on adjacent properties. Mr. Scott advised that the alternative, an open lagoon, would be unacceptable to him.

Eldon Bicker was opposed to the density of the proposed mobile home development.

Judy Scott stated that the area residents are in the process of building a new school in Sand Springs. Funds were not available to build a large facility and Mrs. Scott expressed concern that the school will be overcrowded with the additional students from the mobile home park.

Mrs. Scott advised that she had moved from a highly populated area into this residential neighborhood in order to raise her family in a rural atmosphere where there is room for the children to play.

W. T. Jeffers, representing Discoverland, emphasized the fact that there is no existing sewer line to service a mobile home park. If the sewer line was installed the Discoveryland property, which is downhill from the subject tract, would be the logical area for any overflow to run to.

The protestant also expressed concern with the inadequate water supply and water pressure in the area.

A letter (Exhibit "E-2") from the First National Bank and Trust Company of Muskogee was exhibited. The First National Bank and Trust Company of Muskogee, Trustee of the Geraldine Hickerson Trust, registered a protest to the proposed zoning change noting that a mobile home park would be improper for the area and a decline in property values would resolve.

Instruments Submitted: Protest Petition (32 signatures) (Exhibit "E-1")
Letter - First National Bank and
Trust of Muskogee (Exhibit "E-2")

Special Discussion for the Record:

Tom Peterson advised that he would not attempt to build the mobile home park until adequate water was available. Several alternatives considered by the applicant included drilling a well, a larger pipe line and another storage system to be worked out with the City.

CZ-16 (continued)

The sewer system would probably have to be an open lagoon system. Mr. Peterson stated he would limit the mobile homes to 15-20 or less.

Commissioner T. Young stated he felt the question of mobile homes is ahead of the times when the area can support the increased density. Water and sewer, substantial considerations, are inadequate as well as another important consideration, fire protection.

TMAPC Action: 8 members present.

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

A tract of land in the W/2, NE/4 of Section 25, Township 19 North, Range 10 East, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at the SE corner of the W/2, NE/4 of Section 25, Township 19 North, Range 10 East; thence South $89^{\circ}-58'-39''$ West a distance of 258.49 feet along the South line of said W/2 to a point on the centerline of "Coyote Trail," an existing Tulsa County road; thence North $33^{\circ}-55'-52''$ West a distance of 523.16' along the centerline of said "Coyote Trail;" thence North $0^{\circ}-16'-38''$ East a distance of 1,249.66'; thence East a distance of 558.06' to a point on the East line of said W/2; thence South $0^{\circ}-27'-41''$ West a distance of 1,683.68' along the East line of said W/2 to the point of beginning, containing 20.00 acres, more or less.

Application No. Z-5536

Present Zoning: RS-2

Applicant: Larry Collins (Watson)

Proposed Zoning: OL

Location: SW corner of 21st Street and 135th East Avenue

Date of Application: March 20, 1981

Date of Hearing: April 22, 1981

Size of Tract: 304' x 280'

Presentation to TMAPC by: Larry Collins

Address: 4625 South Harvard Avenue

Phone: 749-8581

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 OL District may be found in accordance with the Plan Map.

Staff Recommendation:

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

The subject property is located on the SE corner of 21st Street and 135th East Avenue. 135th East Avenue is a dedicated street, but has not been approved. The subject property is zoned RS-2 and contains a single-family dwelling. The applicant is requesting OL zoning to permit office development.

The subject property is located on the south side of 21st Street, which had been recognized for low-intensity apartments or low-intensity office development by the Comprehensive Plan. The Staff has encouraged this policy; however, any attempt to go from OL to CS in the future would be opposed. Commercial zoning is not consistent with the adopted Comprehensive Plan and recommendation for approval of OL on this tract should not indicate any potential for commercial zoning in the future, should the office not develop.

For these reasons, the Staff recommends APPROVAL of OL zoning.

The applicant was present, but did not comment.

Protestants: None.

TMAPC Action: 8 members present.

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

Lot 3, Smittle Addition, Tulsa County, Oklahoma.

Application PUD #202-A

Present Zoning: (CS)

Applicant: Roy Johnsen (First Home Service Corp.)

Location: SW corner of 61st Street and Memorial Drive

Date of Application: March 20, 1981

Date of Hearing: April 22, 1981

Size of Tract: 5.9 acres, more or less

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Staff Recommendation:

Planned Unit Development #202-A is located on the west side of Memorial Drive, between 61st and 63rd Streets South. The property is zoned CS and OM and is currently part of PUD #202. PUD #202 includes 46.35 acres consisting of three zoning classifications: CS, 22.21 acres; OM, 17.87 acres and RS-3, 6.27 acres. The CS and OM zoning within PUD #202 would permit a maximum floor area of 873,300 square feet, however, the PUD restricted the floor area to 445,000 square feet of commercial and 314,000 square feet of office floor area for a total of 759,000 square feet.

The applicant is requesting that the subject property be deleted from PUD #202. The subject property has a gross land area of 257,806 square feet, or 5.91 acres. When deleted from PUD #202-A, will leave a remainder of 40.44 acres for PUD #202. It will reduce the maximum floor area for PUD #202 to 744,397 square feet of which 672,500 square feet has been allocated: 428,000 square feet to Crow-Dobbs Office Park and 244,500 square feet to Shadow Mountain II. Although the zoning of the remaining PUD #202 permits a greater floor area than has been allocated, the PUD approval action controls the permitted floor area. An application to utilize the additional floor area would have to be filed in the form of an amendment to the PUD.

The original PUD submitted was voluntary by the land owner. The commercial developments on the remaining three corners are not under the controls of a PUD. The Staff can find no valid reason to bind the applicant to the PUD controls.

The Staff therefore, recommends that the 5.91 acres (approximately the west 318 feet between 61st Street and 63rd Street) be deleted from the controls of PUD #202, as required under PUD #202-A (amendment).

Applicant's Comments:

Roy Johnsen, representing First Home Service Corporation, advised that the applicant has acquired the immediate corner at the intersection of 61st Street and Memorial which is not within the PUD. Therefore, part of the property is within the PUD and part without which prompted the request that the subject property be deleted from PUD #202. This action would provide a more workable situation in development of the tract. The remaining portions of the PUD, which are developing and have been platted with the floor allocations, will stand on their own merits. There is no transfer of permitted floor area from the subject property to any of the other tracts. The original zoning at this intersection was done many years ago and was not done in contemplation of a PUD being filed.

Protestants: None.

PUD #202-A (continued)

TMAPC Action: 8 members present.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Eller, Freeman, Higgins, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe "absent") to recommend to the Board of City Commissioners that the 5.91 acres (approximately the west 318 feet, between 61st Street and 63rd Street) be deleted from the controls of PUD #202 as required under PUD #202-A (amendment).

A tract of land, containing 6.8826 acres, in the N/2 of the NE/4 of Section 2, Township 18 North, Range 13 East, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: "Beginning at a Point" that is the NE corner of said Section 2, Township 18 North, Range 13 East; thence South $00^{\circ}-05'-05"$ East along the Easterly line of said Section 2 for 881.20'; thence South $89^{\circ}-54'-55"$ West for 318.00' to a point of curve; thence Westerly and Northwesterly along a curve to the right, with a central angle of $00^{\circ}-50'-07"$ and a radius of 823.20', for 12.00'; thence North $00^{\circ}-05'-05"$ West for 585.00'; thence North $11^{\circ}-32'-23"$ West for 302.80' to a point on the Northerly line of Section 2, Township 18 North, Range 13 East; thence South $89^{\circ}-59'-20"$ East along the Northerly line of said Section 2, for 390.13' to the "Point of Beginning" of said tract of land, LESS and EXCEPT the east 210' of the North 200' thereof.

Application No. CZ-17

Applicant: Jack D. Finley (Martin Allison Ventures)

Present Zoning: AG

Proposed Zoning: RS

Location: South and West of the SW corner of 31st Street and 65th West Avenue

Date of Application: March 20, 1981

Date of Hearing: April 22, 1981

Size of Tract: 40 acres

Presentation to TMAPC by: Jack D. Finley

Address: 2300 East 14th Street

Phone: 744-0075

The applicant was present, but did not comment.

Relationship to the Comprehensive Plan:

The subject property is located within an unincorporated area of Tulsa County that does not have an adopted Comprehensive Plan. The adopted Development Guidelines do apply and will be used as the basis for evaluating appropriate land use patterns. According to the Development Guidelines, the subject tract of land is located within a subdistrict. The RS zoning classification is in accordance with the subdistrict designation.

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

The subject property is located at approximately 73rd West Avenue and 35th Street South. The property is zoned AG Agriculture and the applicant is requesting RS single-family zoning to permit residential development. Single-family development on the subject property is consistent with the established zoning and development to the east of the subject tract.

For these reasons, the Staff recommends APPROVAL of the requested RS zoning.

TMAPC Action: 8 members present.

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

The SE/4 of the NW/4 of Section 19, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

CZ-18 Donald E. Harris

South of the SE corner of Highway #51 and 137th
West Avenue

AG to RMH

The applicant stated he was not ready to present the case and requested a two week continuance.

John Moody, representing the Tulsa Boys Home and the Executive Director of the home were present at the hearing. They had no objections to a continuance of the application.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Higgins, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Parmele "absent") to continue CZ-18 to May 6, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Caven-Wood, Block 2 (183) East of the SE corner of 61st Street and Memorial Drive (OM)

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

The Staff advised that all letters were in the file and final approval and release was recommended for these plats.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Eller, Freeman, Higgins, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe "absent") to grant final approval and release of Caven-Wood and Forest Park Patio Homes.

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

The Staff advised that not all letters of approval have been received for this plat. It was recommended the item be tabled.

The Chair, without objection, tabled Grantham Addition.

OTHER BUSINESS:

PUD #190 SW corner of 71st Street and Sheridan Road

Request to approve Site Plan.

The Staff recommended this item be tabled. Without objection, the Chair tabled PUD #190.

PUD #166-A SE corner of 91st Street and Sheridan Road

This is a request to approve a Minor Amendment for reallocation of office and commercial space.

Mr. Albery advised that a problem has surfaced in the allocation of the commercial floor area within the three Commercial Areas of Development Area A of PUD #166. 5,545 square feet has been allocated more than the zoning permits. However, there remains 14 dwelling units unallocated. The Planning Commission has the right to convert RM-1 density to OL intensity. Based on this provision, 14 dwelling units represents 54% of the maximum density permitted per acre of RM-1 zoning. 54% of one acre is equal to 23,522 square feet. The OL intensity is a .25 floor area ratio, or 5,880 square feet of 23,522. So the 14 dwelling units converts to 5,880 square feet of office. The Kens Pizza tract originally approved for 4,000 square feet of commercial can be increased by the 5,000 square feet for office, leaving the remaining square feet of unallocated commercial to be allocated to the Quik Trip tract and the Sheridan Square tract. If the Kens Pizza tract should not develop office, then a maximum of 3,455 square feet of commercial could be developed.

Mr. Gardner pointed out that the problem resulted from the fact that the Staff assumed when the architect for the Sheridan Square tract allocated the commercial floor area, that he had consulted with the property owners and everyone was in agreement. The problem has been resolved to the satisfaction of all the property owners. However, Mr. Gardner noted that in the future when the square footages are allocated to the properties they need to be made a part of the Restrictive Covenants and included in the plat so prospective purchasers of the tract are aware of the allocations.

On MOTION of FREEMAN, the Planning Commission voted 8-0-0 (Eller, Freeman, Higgins, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe "absent") to approve a minor amendment for reallocation of office and commercial space of PUD #166 according to the Staff's findings and recommend to the City Commission that the Ordinance approving PUD #166-A be published, since all problems have been resolved.

There being no further business, the Chair adjourned the meeting at 5:00 p.m.

Date Approved _____

May 6, 1981

Carl H. Young
Chairman

ATTEST:

Marian E. Holliday
Secretary

