

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1365  
Wednesday, July 8, 1981, 1:30 p.m.  
Langenheim Auditorium, City Hall, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, July 7, 1981, at 11:50 a.m. as well as in the Reception Area of the INCOG Offices.

First Vice-Chairman, Bob Parmele, called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of HOLLIDAY, the Planning Commission voted 8-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to approve the Minutes of June 24, 1981 (No. 1363).

REPORTS:

Legal Department Review of Procedure for Processing Petition Initiated Zoning Requests (Downzoning):

Assistant City Attorney, Alan Jackere, presented the recommended petition for non-owner initiated zoning requests (Exhibit "A-1") as prepared by the City Legal Department. Mr. Jackere advised that he had reviewed the TMAPC's recommendations for handling non-owner petition-initiated zoning requests and found that the action is consistent with the state law and with the Ordinances of the City of Tulsa.

Mr. Jackere commented that it is not necessary that the petitioners request that the TMAPC inquire of its staff as to the validity of the reasons for the requested zoning change. It was his opinion that the Commission would do this just as a matter of practice. The statement that "TMAPC may rule that...additional signatures are required on the Petition," is not necessary since no requirements have been made with regards to numbers of petitioners.

Mr. Jackere advised that without the requirement that a certain number of petitioners be required to sign the petition, "affected area" is not important in regard to the Comprehensive Plan Committee's request that a specific delineation of the boundaries of the area said

Legal Department Review: (continued)

to be affected by the existing zoning be made a part of the petition. The specific property should be identified and described where rezoning is sought.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Freeman, Gardner Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to accept the form of the petition and refer it and the downzoning policy adopted at the July 1st meeting to the City Commission in response to their directive in the matter.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5558 Present Zoning: RS-3  
Applicant: Richard Riddle (71st Street, Ltd.) Proposed Zoning: OL  
Location: 68th Street, between Yale Avenue and Sheridan Road

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Date of Application: April 22, 1981  
Date of Hearing: July 8, 1981  
Size of Tract: 7 acres, more or less

Presentation to TMAPC by: Richard Riddle  
Address: 5314 South Yale Avenue, Suite 200 Phone: 494-3770

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 and Development Sensitive.

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 north side of 71st Street, approximately midway between Yale Avenue and Sheridan Road. The property is zoned RS-3, Residential Single Family and the applicant is requesting OL zoning to permit office development.

The area between Yale Avenue and Sheridan Road, on the north side of the street extending to a depth of 1/4 of a mile has been considered appropriate for either OL or RM-1 zoning. Multifamily zoning exists on the south side of 71st Street at approximately RM-1 densities. More recently the Planning Commission recommended approval and City Commission approved office zoning approximately 1/2 mile north of 71st Street on the west side of Sheridan Road. Based upon these zoning decisions, the Staff feels that OL zoning on the subject property is both appropriate and consistent with the established planning and zoning practices. Therefore the Staff recommends APPROVAL of the requested OL zoning.

Applicant's Comments:

Richard Riddle advised that the subject tract is situated on the north side of East 71st Street across from multifamily complexes in the Minshall Park PUD. The site is 660 feet east of the location of the Corporate Oaks Office Park - PUD #246. The proposed use of the subject property is a multi-building office complex.

Protestants: Bill Pfiffner Address: 6708 South 66th East Avenue  
Harold Furtney 6640 South Oxford Avenue

Z-5558 (continued)

Protestant's Comments:

Bill Pfiffner voiced objections to the strip zoning which has been applied to this area noting that it was inconsistent with the District 18 Plan. Mr. Pfiffner agreed that the proposed PUD is not totally undesirable, but urged the Commission to restrict any further extension of OL zoning to the appropriate areas.

Harold Furtney noted that he has appeared before the Commission many times in the past in protest of rezoning applications on 71st Street. It was Mr. Furtney's opinion that the subject tract is located in a very pristine area which should remain in the residential category. He urged the Commission to plan for the future by postponing this decision until, "we decide where we are going to stop." The protestant questioned why there was such a need for office zoning in this area all of a sudden.

Special Discussion for the Record:

Bob Gardner advised Mr. Furtney that planning is a continuing process, physical facts change and as they do so, the Plans also change. The established office zoning which has been approved rather routinely on the north side of 71st Street are physical facts that cannot be ignored. They do change the Plan.

TMAPC Action: 8 members present.

On MOTION of PETTY, the Planning Commission voted 7-0-1 (Eller, Freeman, Gardner, Holliday, Kempe, Petty, T. Young, "aye"; no "nays"; Parmele "abstaining"; Higgins, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following property be rezoned OL:

The South 924 feet of the E/2 of the W/2 of the SW/4 of the SE/4 of Section 3, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

ZONING PUBLIC HEARING:

Application PUD #263 Present Zoning: (RS-3)  
Applicant: Richard Riddle (71st Street, Ltd.)  
Location: North of 71st Street, 2970' East of the intersection of 71st Street  
and Yale Avenue

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Date of Application: May 30, 1981  
Date of Hearing: July 8, 1981  
Size of Tract: 7 acres, more or less

Presentation to TMAPC by: Richard Riddle Phone: 494-3770  
Address: 5314 South Yale Avenue, Suite 200

Staff Recommendation:

Planned Unit Development #263 is located on the north side of 71st Street at South Irvington Avenue. The property is primarily undeveloped, zoned RS-3 Single Family Residential and the applicant has filed a companion zoning application Z-5558 for OL Light Office zoning. The applicant is proposing 3 buildings, one 4-story and 2, 2-story in height.

The applicant's proposal has taken into consideration the topography of the site and the sensitive aspects of the site as to drainage and treed areas. Because of the slope of the land and the placement of the 4-story building toward the center of the project, the building elevation will appear as two-story development from 71st Street. The total open space as proposed is in excess of 50%, which is very unusual and one of the benefits of developing under a Planned Unit Development.

The Staff finds that the application:

- A. Is consistent with the Comprehensive Plan;
- B. harmonizes with the existing and expected development of surrounding areas;
- C. is a unified treatment of the development possibilities of the project site; and
- D. is consistent with the stated purposes and standards of the PUD Chapter of the Tulsa Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #263, subject to the following conditions:

1. That the applicant's text and site plan be made a condition of approval unless modified herein.
2. That the permitted uses be those that are permitted by right in an OL District.
3. That the proposed square footage shall not exceed 92,000 sq. ft. comprised of:
  - a. Building A -- two-story maximum height, 22,000 sq. ft.
  - b. Building B -- four-story in height, 42,000 sq. ft.
  - c. Building C -- two-story in height, 28,000 sq. ft.
4. That the total open space shall be 154,544 (54.2%)
5. Minimum building setbacks:
  - a. From the centerline of 71st, 110 feet.
  - b. West boundary, 30 feet.

PUD #263 (continued)

- c. North boundary, 45 feet.
- d. East boundary, 45 feet.
- 6. That the parking ratio (263 spaces) be 1 space per 350 square feet of building floor space.

Note: Although the applicant exceeds ordinance requirements for parking, one parking space for approximately 300 sq. ft., or approximately 307 spaces may actually be needed to serve the office complex. The Staff would support less open space if the applicant determined in the detailed planning that he is short on parking spaces.

- 7. That 2 signs be permitted on 71st Street:
  - a. 30 feet in length times 4 feet in height; and
  - b. 10 feet in length times 4 feet in height.
- 8. That a detailed site plan, landscape plan and sign plan be submitted for approval by the Planning Commission prior to the issuance of any building permits.
- 9. That a subdivision plat be approved by TMAPC, incorporating within the restrictive covenants the PUD conditions of approval, that the City of Tulsa be made beneficiary to those covenants, and that the subdivision plat be filed of record in the County Clerk's Office.

Applicant's Comments:

Richard Riddle presented the PUD (Exhibit "B-1") and pointed out that two, 2-story buildings (50,000 sq. ft.) and one four-story building (42,000 sq. ft.) are proposed for the subject tract. There is an existing pond which will be used for retention and extensive treed areas. He advised that the developer will try to preserve, as much as possible, the natural scape of the land. The southern portion of the tract is relatively flat, while the northerly two-thirds of the property slopes rapidly to the west and north, creating an elevation difference of approximately 50 feet between the southeast and the northwest corners of the property. Due to this slope there is adequate relief so that, from 71st Street, the 4-story structure will be approximately the same elevation as the 2-story building which will be constructed along the front of the lot. The proposed buildings will cover approximately 12% of the land use area, 33% will be used for parking, leaving a balance of 54% of open space on the subject tract.

Instruments Submitted: PUD Plan Booklet (Exhibit "B-1")

Special Discussion for the Record:

In answer to Commissioner Kempe's question, Mr. Riddle advised that he was in agreement with the Staff Recommendation. He stated that the only problem with the recommendation concerned the precision with which the open space was calculated. The architects have proposed 154,544 sq. ft. of open space; however, that is an approximate figure and Mr. Riddle requested he not be held too precisely to that amount.

Mr. Gardner stated that he was aware of the problem and it could be addressed at the time of the review of the detailed site plan.

PUD #263 (continued)

TMAPC Action: 8 members present

On MOTION of PETTY, the Planning Commission voted 7-0-1 (Eller, Freeman, Gardner, Holliday, Kempe, Petty, T. Young, "aye"; no "nays"; Parmele "abstaining"; Higgins, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following property be approved, subject to the conditions:

The E/2, W/2, SW/4, SE/4, of Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Application No. Z-5577 Present Zoning: RS-2  
Applicant: Roy Johnsen (Brown) Proposed Zoning: OMH  
Location: North of the NE corner of 61st Street and Lewis Avenue

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Date of Application: May 28, 1981  
Date of Hearing: July 8, 1981  
Size of Tract: 14.8 acres, more or less

Presentation to TMAPC by: Roy Johnsen  
Address: 324 Main Mall Phone: 585-5641

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 on the western 400 feet and Low-Intensity -- Residential on the balance of the tract.

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

Staff Recommendation:

The Staff recommends DENIAL of OMH and APPROVAL of OM on the western 400 feet, for the following reasons:

The maximum office intensity that could be assigned the subject property, given the existing physical facts, is 400 feet of OM zoning measured from the centerline of Lewis Avenue. The Comprehensive Plan recognizes this same depth of property for OL, Light Office zoning. Given the abutting CS commercial zoning to the west and the abutting CS and RM-2 medium intensity zoning to the south, the subject property is deserving of OM zoning on the frontage. The remaining south approximate 380 feet would also merit RM-1 apartment zoning if properly advertised, as the Staff reported on a previous application (Z-4501). The balance of the property would merit RS-3 zoning. Given this zoning pattern and a PUD, 197,550 to 236,880 square feet of office space could be permitted. The applicant is requesting 300,000 square feet of office space.

There is no precedent for OMH zoning in the area, it is inconsistent with the Comprehensive Plan, and accordingly, the Staff recommends DENIAL of OMH and APPROVAL of OM on the western 400 feet and DENIAL of the balance of the application.

Applicant's Comments:

Roy Johnsen, attorney representing Vector Properties, advised that his client is emerging as one of the leading developers of quality office space in the community. Mr. Johnsen noted that the market in Tulsa is extremely strong for high quality office development. The subject tract is a prime property for office development due to its location and size. The subject property has been owned by the Brown family for approximately 50 years and some of that time was within a floodplain; however, Joe Creek has been improved and will alleviate the problem.

The subject tract is approximately 14 acres in size with 660 feet of frontage on South Lewis Avenue. The eastern portion of the south boundary is zoned RM-2, has developed as an apartment project which has now been converted to the Southern Hills Park condominium project. The frontage on Lewis, south of the subject tract boundary, is zoned CS and a new service

Z-5577 (continued)

station is proposed for development on that property. The area across the street from the subject property is zoned for commercial shopping. A small area of the north boundary is zoned OL with an existing office structure on the tract. Homes in the Lewis Terrace Subdivision back to the subject property on the north. There is one stub street into the property from Atlanta which stops at the north boundary of the subject tract. The improved Joe Creek is located along the east boundary of the subject property.

Mr. Johnsen, noting the existing heavy traffic on Lewis Avenue, suggested to the Commission that heavy traffic is also a fact on all of Tulsa's north-south arterial streets. A substantial improvement in the north-south movement on the streets is expected with the construction of the 71st Street bridge. Mr. Johnsen pointed out that the traffic generated by the proposed project would be comparable to the traffic which would occur if the zoning on the subject tract was similar to that which exists on the other side of the street. This analysis, in part, prompted the requested zoning pattern for the subject property.

Notice was given for OMH zoning on the entire tract because it was easier to describe that way; however, Mr. Johnsen stated he was prepared to amend the request to an amount of OMH sufficient to permit the proposed floor area as set forth in the proposed PUD. He stated that two office buildings twelve and nine stories in height are proposed to be constructed on the tract.

The subject tract drains primarily to Joe Creek which abuts the east boundary of the project. It is proposed to direct the drainage of the entirety of the site to the Joe Creek channel which has been improved to City standards.

Addressing the Staff Recommendation, Mr. Johnsen was of the opinion that the basis for recommending OM on the western 400 feet was the recognition of the existing surrounding zoning and the fact that the Comprehensive Plan shows low-intensity, no specific land use along approximately 400 feet on the east side of Lewis Avenue. The applicant's dimension on the OMH zoning is consistent with the 400 feet. In addition, Mr. Johnsen felt this was a significant finding, on behalf of the Staff, that a light intensity designation on this tract is extremely restrictive in light of the physical facts which exist.

<u>Protestants:</u>	Jane Gibson	Address:	2422 East 57th Street
	Maurice Dundee		5946 South Columbia Place
	Bill Miller		2536 East 57th Street
	Keewatin Berg		5813 South Atlanta Avenue
	Don Betts		2428 East 57th Street
	Robert Beckstrom		2749 East 61st Street
	Kelsey Kennedy		2606 East 57th Place
	Jeff Blackburn		2416 East 57th Street
	Andy Brice		3127 East 61st Street
	W. R. Blake		5641 South Atlanta Avenue
	Phil Sherwood		2454 East 57th Street
	Meredith Wiles		2721 East 56th Street
	Ron Hildebrant		2431 East 56th Place

Protestant's Comments:

Jane Gibson presented a protest petition (Exhibit "C-1") signed by 471 residents and owners in fee simple or real property in the area of the subject tract. She also presented pictures (Exhibit "C-2") of the subject property taken two days after a rain and pointed out the water which was standing in the yards.

Maurice Dundee advised that he had lived in the area for the past 20 years. He pointed out that traffic on Lewis Avenue is very heavy almost ever hour of the day. There is a new office building at 61st and Lewis Avenue which is not even completed at this time and just the construction crew alone is causing a lot more traffic problems in the area. Mr. Dundee noted various businesses along Lewis Avenue, small businesses and strip centers all the way to Oral Roberts University which create traffic, but only a small amount in any one place. The London Square Shopping Center has only about 200 cars at any one time. The protestant stated he would not oppose a small office building, but did object to any building as large as the one proposed which would employ 2,000 - 3,000 workers. Mr. Dundee also felt that approval of this application will lead to further proposed offices in the area.

Bill Miller pointed out that the east side of Lewis Avenue from 51st - 61st Streets has basically been zoned for light office use and he could see no reason to change from the OL designation in the area. The size building which is proposed, with the number of employees involved, will create a residential parking problem because there will be those people who will not park in the lot because it takes too long to get out. Mr. Miller advised that the character of the area between 51st-61st Streets and Harvard and Lewis Avenues is unlike most of the square miles in Tulsa -- there is no way to travel through the area without using one of the major streets. There is a foot bridge over Joe Creek which provides access for the children to reach their respective schools and Manion Park.

Keewatin Berg advised that she built her own unit in South Shore Condominiums, a very luxurious area. Her condo faces onto Joe Creek and, consequently, will face straight into the proposed development. Ms. Berg noted that Joe Creek comes up very, very rapidly and several times she has been up in the early morning hours and moved all of the cars to higher ground.

Don Betts expressed concern that traffic in the area will impede emergency vehicles from arriving at their destination. He pointed out that Skelly Bypass and Joe Creek were existing barriers for traffic. Mr. Betts questioned if there would be shops on the first floor of the proposed buildings.

Robert Beckstrom stated that this is the invasion of privacy of a lovely neighborhood. The height of the buildings is totally inconsistent with the surrounding area and will be a blight on the residential neighborhood. He pointed out that the London Square Shopping Center is very tasteful, residential in its visual character, consistent with the neighborhood and does not dump large amounts of traffic on Lewis Avenue at any one time. The latest traffic count on Lewis Avenue is over 30,000 cars per day; the proposed development will increase the traffic in the area by at least 10%. The protestant was in agreement with the Staff Recommendation as a sensible approach to the development of the subject tract. He urged the Commission to deny the application.

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Kelsey Kennedy pointed out the location of his home which is immediately across Joe Creek from the proposed development. He noted that the proposed development will be even closer to some of the homes across the Creek than it will to those homes in the residential area to the north. The proposed 9 and 12-story buildings will be viewed from the neighborhood where the residents now view the sunset.

Jeff Blackburn expressed concern about the runoff from the subject property noting that the water does back into the yards at times and at other times runs off onto Lewis Avenue. He pointed out that the back of the subject tract would need to be elevated as much as 6 feet in order for the water to run off into Joe Creek alone. Mr. Blackburn, an employee of the Fire Department, pointed out the difficulty of getting the fire trucks through rush-hour traffic. The additional traffic which will be generated by the proposed office complex combined with traffic connected with other developments on South Lewis Avenue; i.e., City of Faith Hospital, Oral Roberts University, and the proposed Halcyon, will impact the area tremendously. The protestant did not feel the proposed development would benefit property values in the area.

Andy Brice emphasized that this is a unique neighborhood. He pointed out that the only way, due to Joe Creek, to get through the residential area is by way of one of the major streets. Setting a precedent for more office development was also a concern of Mr. Brice.

W. R. Blake advised that when he comes home from work, southbound on Lewis Avenue, the traffic stalls out bumper to bumper from 43rd Street south -- there is a young man who walks this distance each evening in the same time it takes to drive. He expressed concern for emergency vehicles traveling in the area. During a moderate rain recently, Mr. Blake noted that Joe Creek was within one foot of being bank full. Even a moderate rain causes a 3-4 inch runoff onto Lewis Avenue. He questioned what would happen to the runoff when the subject property was covered with asphalt.

Phil Sherwood commended the Staff Recommendation and was in agreement with the denial of the OMH designation since it is out of character with the neighborhood and other existing office uses in the area. Lewis Avenue and 51st Street is the fourth most accident-prone intersection in Tulsa. Since Tulsa is predominantly an automobile-oriented City it could be expected that most of the employees at the proposed complex would drive their own car and further impact the traffic in the area. Mr. Sherwood reiterated the protestant's concern about the runoff in the area.

Meredith Wiles advised that she has lived in the area the past eight years and has on two occasions waded into her house through flood waters. She stated that homeowners have been denied the ability to add on to their houses because they are in a flood zone; however, the City has allowed a large blanket of asphalt to be built on the bank of the Creek. The water runoff was the major concern of the protestant. Her second concern was the traffic problem and the amount of additional traffic which would be funneled onto Lewis Avenue.

Ron Hildebrant pointed out that when Lewis Avenue is crowded the traffic will cut through the residential area for expediency. Mr. Hildebrant stated that he had purchased his home in 1967 before the interest rates

Z-5577 (continued)

went up. He advised that he owns a nice home which is as important to him as one of the more expensive homes further south and reminded the Commission that, "a man's home is his castle."

Interested Party: Thomas Roper      Address: 2437 East 59th Court

Interested Party's Comments:

Thomas Roper, President of Southern Hills Park Homeowner's Association, advised that the condominium development comprises 55 families. Mr. Roper stated that initially he was opposed to the proposed development; however, he did not see all of the beauty that other residents speak of. There are two strip shopping centers which do not add any kind of attraction to the corner of 61st Street and Lewis Avenue. Mr. Roper recognized that a high-rise office building will increase the traffic, constructing anything there will generate more traffic, but something will go up, it will not remain as it is. The consensus among the members of the homeowner's association is that they would much rather have an office building developed than any kind of multiple dwelling or any kind of strip shopping center. The office building offers the lesser of all the potential evils that can be developed on the subject tract.

Instruments Submitted: Protest Petition (471 signatures) (Exhibit "C-1")  
Pictures of the area (Exhibit "C-2")

Special Discussion for the Record:

Commissioner Petty, noting that the area of the subject tract, for most of the year, collects a lot of water and is like a lake, asked if a large amount of fill would be brought in before construction begins. Mr. Johnsen was not sure there would be fill. He advised that how the land was shaped and installation of underground conduits to channel the water to Joe Creek would affect the water on the subject tract. There will not be any additional water running onto Lewis Avenue due to the development of this tract.

Roy Johnsen did not want to suggest that the proposed development would be low intensity; however, he was of the opinion that the protestant's estimates of employees and cars on the subject tract were somewhat exaggerated. The parking standard which is in the PUD text is one space per 330 sq. ft. of office space or slightly less than 1,000 parking spaces. Mr. Johnsen suggested that the residents consider some of the other alternative uses and their intensity, that would be supportable on the subject tract. Citing one alternative, a portion of the frontage being developed in a retail manner with an apartment complex to the rear of the subject tract, the traffic volume generated would be equal to or exceed that which is proposed by the development under consideration.

Mr. Johnsen pointed out that Joe Creek has been improved to 100-year flood standards; in addition, under current criteria, it is necessary to file a subdivision plat before the subject tract develops. As a part of that process, the applicant must meet the City's criteria on drainage improvements. The drainage and runoff problems will have to be handled properly.

The applicant pointed out that throughout the community there has been a trend toward multi-story office buildings which have been next to and adjacent to some of the very best neighborhoods and have proven to be sound land use relationships. In addition, it has not been proven that the neighborhoods went "downhill" due to the office construction.

Z-5577 (continued)

Commissioner T. Young questioned when the OM zoning was approved for the eight-story office structure which is nearing completion near 61st Street and Lewis Avenue. Bob Gardner advised that the OM zoning has been in place at that corner for many years. There was a Board of Adjustment application which allowed the developer to calculate the footage which was in the OL portion and combine that area with the OM portion into the one building.

Mr. Gardner pointed out that the zoning pattern of OM, as recommended, would be 115,500 sq. ft. if developed conventionally; if it were developed under a PUD the maximum would be 132,000 sq. ft. An OL pattern of that same depth under a PUD would be 105,600 sq. ft.

Commissioner T. Young stated he would not be in favor of the OMH or OM zoning on the subject tract and would prefer a recommendation for a 330-foot depth of OL zoning from the centerline.

In answer to Commissioner Parmele's question if he would disregard the CS designation to the west, Commissioner T. Young stated he would not, but in terms of the physical facts, would recognize only the depth of the shopping center itself rather than the full CS zoning area.

Commissioner Parmele was of the opinion that the land justifies some consideration for CS zoning; however, the applicant did not apply for that designation.

On MOTION of T. YOUNG, the Planning Commission voted 3-4-0 (Freeman, Holliday, T. Young, "aye"; Eller, Gardner, Kempe, Parmele, "nay"; Petty, "abstaining"; Higgins, Inhofe, C. Young, "absent") to deny the application. The motion failed.

Commissioner Parmele stated he did not see how the Commission could deny the application based on the surrounding zoning patterns; OM and OL to a depth of almost 800 feet to the south, CS to a depth of 600 feet to the west, some OL to the north and RM, RD, and RM-T all along Lewis Avenue.

On MOTION of T. YOUNG, the Planning Commission voted 3-4-1 (Freeman, Gardner, T. Young, "aye"; Eller, Holliday, Kempe, Parmele, "nay"; Petty, "abstaining"; Higgins, Inhofe, C. Young "absent") to approve OL zoning from the centerline, a depth of 330 feet. The motion failed.

Commissioner T. Young noted that two of the key points which had been made were: 1) the fact that there is no through traffic from Lewis to Harvard-- a unique fact which cannot be said at any other location in the City, and 2) even the homeowners in the area, due to the considerations of Joe Creek, have not been entitled to add on to their own houses. It was the Commissioner's opinion that just because we are able to design drainage channels to 100-year flood standards does not necessarily mean that we need to fill them to 100-year depths everytime we have a rain.

In answer to Commissioner Freeman's question, Bob Gardner advised that the Comprehensive Plan would require no change whatsoever if 400 feet of OL zoning was approved. The 400 feet of OL, to the centerline of the street, with a PUD would accommodate 105,600 sq. ft. of potential office space; the OM as recommended, under conventional development, would allow 115,500 sq. ft., or less than 10,000 sq. ft. of difference. For that reason, plus

Z-5577 (continued)

the fact that there is CS across the street, CS and RM-2 to the south the Staff did not see that much significance between the 400 feet of OM and the 400 feet of OL zoning in terms of the actual land use impact.

TMAPC Action: 8 members present.

On MOTION of KEMPE, the Planning Commission voted 5-2-1 (Eller, Freeman, Holliday, Kempe, Parmele, "aye"; Gardner, T. Young, "nay"; Petty, "abstaining"; Higgins, Inhofe, C. Young, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OM on the western 400 feet and DENIAL of the balance.

The S/2 of the S/2 of the NW/4 of the SW/4 and the N/2 of the N/2 of the SW/4 of the SW/4 of Section 32, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, LESS and EXCEPT a tract of land more particularly described as follows, to wit: Beginning at the SE corner of said N/2, N/2, SW/4, SW/4; thence North  $0^{\circ}-03'-50''$  West along the East Boundary of said N/2, N/2, SW/4, SW/4, a distance of 329.83' to the NE corner of said N/2, N/2, SW/4, SW/4; thence continuing North  $0^{\circ}-03'-50''$  West along the East Boundary of said S/2, S/2, NW/4, SW/4, a distance of 101.38'; thence South  $44^{\circ}-59'-40''$  West a distance of 611.37' to a point in the South Boundary of said N/2, N/2, SW/4, SW/4; thence North  $89^{\circ}-51'-00''$  East along the South Boundary of said N/2, N/2, SW/4, SW/4 a distance of 432.74' to the point of beginning.

Application PUD #262

Present Zoning: (RS-2)

Applicant: Roy Johnsen (Brown)

Location: North of the NE corner of 61st Street and Lewis Avenue

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Date of Application: May 28, 1981

Date of Hearing: July 8, 1981

Size of Tract: 14.8 acres, more or less

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Staff Recommendation:

Planned Unit Development #262 is located on the east side of Lewis Avenue at 85th Street South. The property is undeveloped and is zoned RS-2 Single Family Residential. The applicant has filed a companion zoning application Z-5577 to accommodate twin high-rise office buildings of 9 and 12 stories.

The Staff did not recommend approval of the zoning patterns requested by the applicant and therefore, the proposed intensity of development is not recommended by the Staff for approval under PUD #262. However, office development of the subject property as proposed, deserves a review of the Planned Unit Development and appropriate conditions, depending upon the level of intensity that the Commission could approve.

The applicant's proposal for multi-story office development is the best way to maximize retaining the unique physical features of the site, that is, the preservation of the substantial treed areas existing on the site. The applicant's proposal would preserve a minimum of 25% of the existing open space and heavily treed areas along primarily the northern boundary with substantial landscaping along the Lewis frontage, the southern boundary and around the high-rise office structures. The applicant's proposal also eliminates any access to Atlanta Avenue, and therefore, all traffic entering and exiting the subject property would be from Lewis Avenue, which would be a necessary requirement should an office complex be approved on the subject property.

If the Planning Commission is to support this type of office development, the following conditions would be necessary to assure development consistent with the appropriate intensities of use and compatibility with the neighboring residential properties.

1. That the applicant's proposed site plan and text be made conditions of approval unless modified herein.
2. That no access be permitted to Atlanta Avenue.
3. That the permitted uses be those permitted within the OM zoning classification.
4. That the maximum floor area not exceed\_\_\_\_\_.
5. That maximum building height:
  - a. North building\_\_\_\_stories; and
  - b. South building\_\_\_\_stories.

PUD #262 (continued)

6. Minimum building setbacks:
  - a. North property line -- 205 feet;
  - b. East property line -- 165 feet;
  - c. South property line -- 100 feet; and
  - d. West property line -- 380 feet.
7. That parking ratio be 1 parking space per 330 square feet of office space.
8. That the minimum open space shall be 151,000 square feet, which is 25% of the net land area, to be preserved in the areas as depicted on the site plan.
9. That a 6-foot solid surface screening fence be erected along the north and south boundaries, adjacent to R zoned property.
10. That a detailed site plan, landscape plan and sign plan be submitted to the Planning Commission for approval as in conformance with the approved concept prior to issuance of any building permits.
11. That a subdivision plat be approved by the TMAPC, incorporating within the restrictive covenants and conditions of the PUD, making the City of Tulsa beneficiary to said covenants and filed of record in the County Clerk's Office.

Applicant's Comments:

Roy Johnsen advised that his client, Vector Properties, proposes a quality office project with the preliminary plan showing a square footage of 300,000 square feet of office space. This space will permit a very economically sound project in light of the land and development costs, with a substantial amount of open space and landscaping, adequate setbacks from the residential development to the north, and to have an attractive project internally which would be efficient in terms of meeting the required parking.

The preliminary configuration provided two buildings; an 11-story building on the south central portion of the tract and a 14-story building to the north. This preliminary plan was presented to the abutting property owners and a neighborhood meeting was held to accept their suggestions and comments. One suggestion received was that the stub street on Atlanta Avenue be closed; Mr. Johnsen noted that the applicant had acquiesced in that there would be no access to Atlanta Avenue and it will be closed during the time of construction. In response to the area residents the plans were modified to change the height of the proposed buildings to 9 and 12 stories.

Two points of access will be provided to Lewis Avenue with no access to the north. The minimum amount of open space which will be provided along the north boundary of the subject tract is 52,500 square feet. A 6-foot cedar screening fence will be constructed along the north and south boundaries of the project. The open space within the project will include parking islands, plazas and courtyards.

Protestants: None

PUD #262 (continued)

Special Discussion for the Record:

The Staff pointed out that the proposed PUD could not be accomplished in light of the Commission's recommendation for OM zoning on the western 400 feet of the subject tract. Mr. Gardner noted that it would be up to the applicant to consider amending the application; otherwise the PUD would need to be denied.

Roy Johnsen requested the Commission deny the PUD application and allow him to present both the zoning application and the PUD to the City Commission.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-1 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, T. Young, "aye"; no "nays"; Petty "abstaining"; Higgins, Inhofe, C. Young, "absent") to recommend to the Board of City Commissioners that PUD #262 be denied on the following described property:

The S/2 of the S/2 of the NW/4 of the SW/4 and the N/2 of the N/2 of the SW/4 of the SW/4 of Section 32, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Okla., according to the U. S. Government Survey thereof, LESS and EXCEPT a tract of land more particularly described as follows, to wit:

Beginning at the SE corner of said N/2, N/2, SW/4, SW/4; thence North  $0^{\circ}-03'-50''$  West along the East Boundary of said N/2, N/2, SW/4, SW/4, a distance of 329.83' to the NE corner of said N/2, N/2, SW/4, SW/4; thence continuing North  $0^{\circ}-03'-50''$  West along the East Boundary of said S/2, S/2, NW/4, SW/4, a distance of 101.38'; thence South  $44^{\circ}-59'-40''$  West a distance of 611.37' to a point in the South Boundary of said N/2, N/2, SW/4, SW/4; thence North  $89^{\circ}-51'-00''$  East along the South Boundary of said N/2, N/2, SW/4, SW/4, a distance of 432.74' to the Point of Beginning.

Application No. Z-5578 Present Zoning: AG  
Application: Gary Howell - Lansford Engineering Co. Proposed Zoning: C0  
(McConnell, Claxton)

Location: West of the SW corner of 61st Street and Garnett Road

Date of Application: May 29, 1981  
Date of Hearing: July 8, 1981  
Size of Tract: 16.553 acres

Presentation to TMAPC by: Gary Howell  
Address: Lansford Engineering Co., Broken Arrow, Okla. Phone: 251-1537

Relationship to the Comprehensive Plan:

The subject property is located within District 19, but this area has not been adopted. The 1/2 mile strip of land between the Mingo Valley Expressway and the Broken Arrow Planning District (District 19) is to be adopted as a part of District 18. The proposed Plan Map for this area designates the portion of the subject property west of 107th East Avenue as Corridor and the portion east of 107th East Avenue as Low-Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the C0 District is in accordance with the Plan Map on the west side of 107th East Avenue and is not in accordance with the Plan Map on the east side of 107th East Avenue.

Staff Recommendation:

The Staff recommends APPROVAL of C0 zoning for the following reasons:

The subject property is 16.5 acres in size, located south of 61st Street and east of the Mingo Valley Expressway alignment. The property is vacant, zoned AG and the applicant is requesting C0 zoning to accommodate apartments.

The western boundary of the subject property abuts the Mingo Valley Expressway alignment and the southern 200 feet of the subject property is designated floodplain, which accounts for the irregular shape of the property. A preliminary plat, Breckenridge Estates, depicts single family development south of the floodplain and which is also adjacent and ties to the single family subdivision to the east. Therefore, no portion of the proposed C0 District abuts single family development, either existing or proposed.

Under the Development Guidelines, RM-2 type densities are designed to develop within the corridor areas where the planned traffic system can accommodate such densities. The land use relationships appear to be sound provided 107th East Avenue becomes a collector street through the project (108th Street as the collector street goes south).

For the record, a detailed site plan will need to be approved and additional public notice required before any construction could commence. The collector street is key to the corridor development.

Applicant's Comments:

Gary Howell stated he would like clarification on the Staff Recommendation for a collector street through the project.

Z-5578 (continued)

Mr. Gardner pointed out that eventually there would need to be a collector street going through to the south and tying from 71st back to 61st Street.

Mr. Howell advised that he would accept the condition.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to recommend to the Board of City Commissioners that the following described property be re-zoned C0, as per Staff Recommendation:

All that part of the W/2 of the NE/4 of Section 6, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point on the West line of the E/2, W/2, NE/4 of said Section 6, 91.72' from the Northwest corner thereof; thence South 0°-00'-14" West along the West line of said E/2, W/2, NE/4 1,235.52' to the Southwest corner thereof; thence South 89°-43'-28" East along the South line of said E/2, W/2, NE/4 659.60' to the Southeast corner thereof; thence South 0°-00'-06" along the East line of said W/2, NE/4 164.43'; thence South 43°-30'-00" West 185.77'; thence North 89°-43'-28" 259.54'; thence South 43°-30'-00" West 592.91'; thence Due West 212.00'; thence North 00°-02'-40" West 380.00'; thence North 03°-13'-34" East 701.14'; thence North 19°-45'-16" East 664.27'; thence North 07°-46'-50" East 255.91'; thence North 80°-41'-05" East 50.39' to the point of beginning, containing 16.553 acres, more or less.

Z-5579 Nichols (Boyd, Crews) South of 72nd Street and West of Kingston Ave.  
RS-3 to RM-T

PUD #190-A Robert J. Nichols (Boyd, Crews) SW corner of 71st Street South  
and Sheridan Road (RS-3, RM-0 and CS)

The Staff requested a continuance of these items to allow time to further evaluate the proposed development.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Freeman, Gardner Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to continue Z-5579 and PUD 190-A to July 15, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5580 Mary Jane Brown South of the SW corner of 49th Street & College Ave.  
RS-1 to OL

The applicant advised that the area meeting had been held the previous Monday and she would like more time to consider the comments and suggestions which were made at that meeting. She requested a continuance to July 22, 1981.

On MOTION of GARDNER, the Planning Commission voted 7-1-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, T. Young, "aye"; Petty "nay"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to continue Z-5580 to July 22, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5581 Present Zoning: RS-3  
Applicant: Grimm (Clem, Schaffer) Proposed Zoning: IL  
Location: South of 56th Street and West of 107th East Avenue

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Date of Application: May 29, 1981  
Date of Hearing: July 8, 1981  
Size of Tract: 160' x 615', more or less

Presentation to TMAPC by: William R. Grimm Phone: 584-1600  
Address: 1600 Philtower Building

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District I.

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 IL zoning, except the west 300 feet, for the following reasons:

The subject property is located north of the NW corner of 107th East Avenue and 61st Street South. The applicant is requesting IL zoning to accommodate a construction company.

The requested IL zoning is consistent with the zoning patterns in the area and consistent with the long-range plan (Special District I) for the area. However, the future Mingo Valley Expressway will require approximately the west 300 feet for right-of-way. In order to preserve this area for future purchase, the IL zoning should not be approved on this portion which may encourage permanent improvements.

For these reasons, the Staff recommends APPROVAL of IL zoning, except the west 300 feet to remain in its present zoning classification.

Applicant's Comments:

William Grimm, representing the applicant, stated he was in agreement with the Staff Recommendation; however, he requested an exception to allow storage of materials until such time as the Mingo Valley Expressway requires the west 300 feet of the tract for right-of-way.

Bob Gardner advised that he could not do that as a matter of right, but the Board of Adjustment could grant that exception. He noted that the Staff's primary concern was that no permanent improvements be made on that portion of the subject tract.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL, except the west 300 feet to remain RS-3:

Lot 12, Block 2, Golden Valley, an Addition to the City of Tulsa,  
Tulsa County, State of Oklahoma.

Application No. Z-5582 Present Zoning: RS-3  
Applicant: Norlan D. Scudder Proposed Zoning: OL  
Location: North of 49th Street North, between North Cincinnati and North  
Cincinnati Place

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Date of Application: June 1, 1981  
Date of Hearing: July 8, 1981  
Size of Tract: 283.08' x 250'

Presentation to TMAPC by: Norlan Scudder  
Address: 10326 East 23rd Place Phone: 664-0267

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 4 on the west lots, Low-Intensity Residential on the eastern 3 lots.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the OL District is in accordance with Special District 4 (western lots) and is not in accordance with the Low-Intensity Residential designation (eastern lots).

Staff Recommendation:

The subject application contains 6 platted lots located between Cincinnati Avenue and Cincinnati Place, north of 49th Street. The applicant is requesting OL Light Office zoning to accommodate a funeral home in an existing church building located on the northwesternmost lot.

Several Cincinnati Avenue frontage properties have been zoned in a professional office category consistent with the Comprehensive Plan. The 3 lots which face Cincinnati Avenue are consistent with the Comprehensive Plan for office use. However, the eastern 3 lots are interior, having access to Cincinnati Place, and are not designated by the Comprehensive Plan for nonresidential development. There is one existing single family home immediately north of the subject property fronting Cincinnati Place and there are homes on the east side of Cincinnati Place that look directly into the subject property. The Staff is concerned that any nonresidential use of these interior properties could have an adverse effect on the stability of the residential neighborhood.

The primary concern of the Staff is the traffic, nonresidential traffic, which would have access to Cincinnati Place, a minor residential street. This would be especially true of a funeral home and the significant traffic associated with such a use. The Staff is sensitive to the fact that no new residential homes have been built within this area for several years and the likelihood of additional new homes being built at this time seems remote. However, more important is the protection of the existing single family homes to the north and east.

Therefore, the Staff recommends APPROVAL of OL on the western 3 lots and DENIAL of OL on the eastern 3 lots.

Note: If the Commission is inclined to support the subject application, the Staff would suggest that a strip of RS-3 land along Cincinnati Place be reserved to prohibit access to Cincinnati Place. Such zoning would also require a 6-foot solid surface screening fence to be erected on that boundary. These suggestions would help to minimize the adverse effect upon the residences to the east and north.

Applicant's Comments:

Norlan Scrudder, pastor of Faith Cumberland Presbyterian Church, advised that the congregation is in the process of trying to sell the subject tract. He pointed out that they were unaware of the zoning problem when they negotiated a contract to sell the property to Nash Funeral Homes. Mr. Scrudder noted that the congregation has been attempting to sell the subject tract to another church or something of that nature for the past six years.

Montie Box, realtor, stated that since the funeral home would be a chapel it will be compatible with the surrounding neighborhood.

<u>Protestants:</u>		Addresses:	
Bruce Bell		4931 North Cincinnati Place	
Briget Harper		4913 North Boston Place	
Tommy Patrick		4936 North Detroit Avenue	
Rosell Gaines		4909 North Cincinnati Place	
Gloria Holmes		4926 North Cincinnati Place	
Haywood S. Holmes		4926 North Cincinnati Place	
Patricia Kemp		4915 North Cincinnati Place	
Joseph Washington		4923 North Cincinnati Place	
Ruth Gaines		4909 North Cincinnati Place	
Eunice Washington		4923 North Cincinnati Place	
Cornelius Harper		4913 North Boston Place	
Mary Stewart		4945 North Cincinnati Place	
Blanche Thompson		248 East 45th Street North	
Orell Riley		4715 North Cincinnati Place	

Protestant's Comments:

Bruce Bell, spokesman for the neighborhood, advised that he had not seen any "For Sale" signs on the subject property. The protestant noted that the proposed purchaser of the subject tract does not have a license to operate a funeral home; he also cited the poor upkeep of other properties previously occupied by the buyer. Although the address of the church building is shown as Cincinnati, all main entrances are situated on Cincinnati Place.

Mr. Bell pointed out that a real estate appraiser has indicated to some home owners in the neighborhood that a funeral home at this location would cause a property devaluation of the surrounding homes up to \$15,000. The property owner does not live in the area and has no financial or vested interests in the residential neighborhood. The protestant stated that Trinity Baptist Church and Mt. Carmel Baptist Church have both expressed an interest in purchasing the subject tract; the owner can get his money without selling the property for location of a funeral home.

Mr. Bell presented a protest petition (Exhibit "D-1") bearing 53 signatures of area residents who are opposed to the requested zoning change.

Briget Harper advised that her backyard, where she planned to build a patio, faces onto Cincinnati. However, she was of the opinion that the proposed funeral home on the adjacent tract will limit the use of her backyard and frighten her children so they will not even care to play in the yard.

Z-5582 (continued)

Tommy Patrick advised that she has lived in the neighborhood the past 10 years during which time she had worked two jobs trying to raise her family, stay off the welfare rolls and maintain her home in accord with the neighborhood standards. The protestant did not think it was fair to rezone the property, tell the residents to get on their own two feet and then change their whole lives because someone wants to sell property.

Rosell Gains advised that there is no entrance to the subject tract except on Cincinnati Place. Therefore, the front door of the mortuary will face the front door of the Gaines residence. Mr. Gaines recognized the need for this type of business in our community; however, he suggested that the mortuary be located in an area which is already zoned for that use. The protestant stated he purchased his home 13 years ago as a place to raise his family in a residential neighborhood across the street from the church. He noted that he would not object as strenuously to the rezoning application if the entrance to the subject tract was located on a street other than Cincinnati -- directly across from his home.

Gloria Holmes advised that her property was adjacent to the subject tract and the patio faced the church. She was very much opposed to the requested rezoning for the purpose of locating a mortuary on the subject tract.

Haywood S. Holmes stated that the signs announcing the public hearings for the rezoning of the subject tract had not been placed on the property. Mr. Holmes was opposed to the location of a mortuary adjacent to his home.

Patricia Kemp, mother of four children, advised that her house faces the subject tract and her children have already been affected by the probability that a mortuary will be located across the street.

Joseph Washington, noting that he had moved to his home in 1967, stated that he moved to the area, which was sparsely populated at that time, in order to raise his family in a quiet residential area. He advised that his children are used to running up and down the streets and riding their bicycles in the neighborhood -- he was concerned with their safety due to the increased traffic which would be generated by the funeral home. Mr. Washington also expressed concern with property values in the area and advised that he would probably sell his home and move if the rezoning application was approved.

Ruth Gaines pointed out that the north side of Tulsa has a stigma of instability. The area of the subject tract is a neighborhood that has working families -- both parents work. The residents work hard to try to keep the neighborhood up and want it to remain a stable area. "The stability of the neighborhood is in question," Mrs. Gaines advised, "and to start a whole neighborhood shifting again would not be in anyone's best interest." She urged denial of the proposed zoning change.

Eunice Washington reiterated the fact that the public hearing sign had not been posted and, in addition, she has not seen any "For Sale" signs on the subject property.

Cornelius Harper advised that he is a crane operator and works for medium wages in a very hot and dusty atmosphere which is not good for one's health. He expressed concern that the proposed mortuary would lower his

Z-5582 (continued)

property values; however, he could not afford to move and purchase another house. Mr. Harper pointed out that he would lose his hard earned money from the past few years if this application was approved.

Mary Stewart questioned why the owner of the subject tract did not attempt to sell the property to one of the churches that are interested. Mrs. Stewart stated she had not seen any sign advertising the property for sale or listing the public hearing dates.

Blanche Thompson pointed out that this neighborhood is one of the few older, stable neighborhoods left in north Tulsa. She advised the Commission the residents of the area have a little higher standard of living than some of the nearby neighborhoods and those living there would like to maintain it. Mrs. Thompson stated that, "even though the property values are not as high as in south Tulsa, they are high to us." Locating a funeral home in the area will lower the property values.

Orell Riley advised that the residents of the area are thankful and grateful for the neighborhood -- they appreciate the area. Residents do not want the zoning change and cannot afford the zoning change. He urged the Commission to deny the requested rezoning.

Instruments Submitted: Protest Petition (53 signatures) (Exhibit "D-1")

Special Discussion for the Record:

Noting the Staff Recommendation for approval of OL on the western 3 lots and denial of OL on the eastern 3 lots, Montie Box questioned if this would allow the use of a funeral home on the premises. Mr. Gardner advised that it would allow funeral home use; however, it would not allow usage of the three easternmost lots, as a matter of right, for off-street parking. The Board of Adjustment could approve the parking by exception. Mr. Box stated he did not want to hurt the property values of the surrounding area and would be in favor of the funeral home being oriented to Cincinnati Avenue.

Commissioner Parmele asked if a portion of the tract could be zoned for parking (P) and was advised that the Staff Recommendation is what could be supported. Mr. Gardner was of the opinion that the worst possible situation would be allowing access to Cincinnati Place.

Commissioner Kempe noted that with the existing office zoning in place on Cincinnati Avenue it might be difficult to support total denial of office zoning on the lots which face Cincinnati.

Noting that only the zoning classification should be considered, Commissioner Parmele advised that it would be hard to not look at the proposed use of the property. Based strictly on zoning classifications, he stated he could not support denial of the requested zoning.

Commissioner Petty stated that the stability of the neighborhood is a point which should be considered. The area has gone through a period of integration and a lot of instability, but now has appeared to stabilize once again. The Commissioner was of the opinion that as planners, some of these points should be considered when looking at the welfare of the City as a whole rather than just calculating what land use looks proper based on surrounding zoning.

Z-5582 (continued)

TMAPC Action: 8 members present.

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

Lots 12, 13, 14, 15, 16, 17, Block 4, Fairhill Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Z-5583 Roy Johnsen (Jones) North of 71st Street, West of Lewis Avenue  
RM-1, RS-3 to OM

A letter (Exhibit "E-1") was presented from the applicant requesting a one-week continuance of this item.

On MOTION of ELLER, the Planning Commission voted 8-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to continue Z-5583 to July 15, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-26

Present Zoning: CG & RS

Applicant: Donald Winningham

Proposed Zoning: IM

Location: South & West of 57th West Avenue and West 58th Street South

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Date of Application: May 28, 1981

Date of Hearing: July 8, 1981

Size of Tract: 10.6 acres

Presentation to TMAPC by: David H. Sanders, Jr.

Address: Denver Building

Phone: 582-5181

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- Residential.

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

Staff Recommendation:

The subject properties are located between the old Sapulpa Highway and 61st Street and between 55th & 57th West Avenues. The subject tracts contain 10.6 acres, are developed a mixture of auto salvage and a few scattered single family dwellings. The applicant is requesting IM zoning to accommodate the existing industrial usage of the property.

The subject property is adjacent to CG and IL zoning on the east, and adjacent to residential zoning and development on the west. The majority of the property contains an auto salvage which, in the opinion of the Staff, is one of the most obnoxious uses and detrimental to neighboring single family residential. The District 9 Comprehensive Plan Map designates over 50% of its area as either industrial or commercial land use. The subject request would merely add to that unusual percentage. The Comprehensive Plan did not support or recognize the subject property for industrial uses when approved in the late 1970's even though the salvage yard existed at that point in time. Under the circumstances the Staff interprets the Comprehensive Plan as an effort to eventually remove the salvage operation and to develop the property in some type of residential development.

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

Applicant's Comments:

Dave Sanders, attorney representing the applicant, advised that there is a salvage yard located near the subject tract which has been there for 35 years; an industrial area where tanks are made out in the open (in this location the past 30 years), a barber shop, Mack Trucking Company, and a lumber yard served by a railroad spur. Therefore, reducing the subject tract from the salvage and industrial use to a moderate industrial designation would be an improvement to the area.

Protestants: Bill Gay  
Carl Sheets  
Tamara Baker  
Rosalie Sorrels

Addresses: 5804 West 60th Street  
5905 South 56th West Avenue  
5817 South 59th West Avenue  
3758 West 45th Street

CZ-26 (continued)

Protestant's Comments:

Bill Gay, Chairman of District 9, presented a letter from the Steering Committee (Exhibit "F-1") recommending denial of the rezoning application. The Community organizations of Oakhurst have filed applications with the FMHA for several million dollars in grants to provide additional sewer extensions and installations, as well as home improvements. The residents feel that this zoning, if approved, would adversely affect those grant funds. There are large tracts of IM zoned land in the area, zoned since 1957, which are as yet unused. Additional industrially zoned land is not needed until the existing IM zoned tracts have been utilized. In anticipation of future home building in the area, Jane Addams Elementary School was constructed reflecting a \$600,000 investment which would be lost by further adverse zoning in the area. Oakhurst is a community of approximately 4,000 people at the present time with large areas of undeveloped land available. The type of zoning as requested by the applicant would kill any future quality growth in the area.

Speaking on his own behalf as a property owner in the immediate area, Mr. Gay advised that there is a permanent injunction from the Oklahoma Supreme Court to prevent the applicant from putting salvage on a portion of the subject tract. He does have permission to park a maximum of 28 cars on the tract for a three week period of time pending insurance settlements. The applicant has constructed a building on the subject tract, without a building permit or zoning, which he uses for his own repair work.

Mr. Gay was of the opinion that sometime in the future there will be some commercial zoning in the area since it is the only direction the existing shopping center has to expand; however, he could not see any justification for IM zoning at that location. He advised that he and his brother had purchased land in the area to prevent the applicant from developing any farther to the west. In the event that this application is approved, Mr. Gay pointed out that he would have no choice but to request rezoning for the next three blocks to the west which are under his ownership; he was concerned what would happen to the community at that point. The protestant stated he has already lost several thousand dollars in damages with his front rooms looking out onto the Winningham developments. He expressed appreciation to the applicant, however, noting that Mr. Winningham had constructed, at the protestant's request, a board screening fence. Mr. Gay urged the Commission to deny the application for IM zoning because it would place his property and that of other property owners in the area in jeopardy.

Carl Sheets advised that he had lived in the area 32 years and had not been bothered with the existing salvage yard. He was concerned that a foundry or chemical company would occupy the subject tract. There is a foundry south of I-44 which emits sulphur fumes at times making it difficult to breathe. Mr. Sheets noted that he and others in his neighborhood sit outside in the evenings since they do not have air conditioning. Noting that he just wanted clean air to breathe, Mr. Sheets objected to the proposed zoning.

Tamara Baker advised that she has children who must ride the bus to school and she was concerned with their safety if industry is permitted in the area. In addition, the Oakhurst Community is growing and improving -- this would take away from the quality of life there.

CZ-26 (continued)

Rosalie Sorrels, representative from Sector C of District 9, expressed concern that the whole west side will be "eaten up," block by block, on the rationale that 50% is already industrial and the rest might as well be industrial.

Instruments Submitted: Letter - District 9 Steering Committee (Exhibit "F-1")

Special Discussion for the Record:

In answer to Commissioner T. Young's question, Bob Gardner advised that an IL zoning would support light industrial land use, but would not support a foundry.

Mr. Sanders advised that the applicant would amend the application for light industrial.

Commissioner Parmele asked if the applicant planned to remove the salvage yard and redevelop the area. Mr. Sanders advised that, in time the salvage yard will be removed and the area will be converted. It is contemplated that another office building will be located on the subject tract for office use and possible shop work.

Commissioner T. Young advised that in supporting OL zoning he did so with the knowledge that the applicant has expressed intent to do some very special things which are in the line of improving appearances of the existing salvage yard. Noting the Farmer's Home Administration applications which are being pursued for this area, Commissioner Young advised that there may be as much as two million dollars in the area for housing, relocation, construction, rehabilitation, sewer lines, etc., within the next 60 days. He also stated that the appeal on the Community Block Grant might be successful in which case there would be an additional two million dollars available. The Commissioner spoke in favor of IL zoning with the line of demarcation to be 57th West Avenue, recognizing that there will be screening fences erected as long as the auto salvage continues and the other developments will be office in character with possibly some commercial shopping.

Bob Gardner suggested that the west 5 feet of the subject tract remain in the RS category to preclude any access for heavy truck traffic to the property from 57th West Avenue.

TMAPC Action: 8 members present.

On MOTION of ELLER, the Planning Commission voted 8-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned IL, except the west 5 feet to remain RS:

Block 1, Lots 1 & 2; Block 2, Lot 1; Block 7, Lots 1, 2 & 3, Oakhurst Estates Addition, Section 32, Township 19 North, Range 12 East: AND

A parcel of land in the SW corner of the S/2 of the SE/4 of Section 32, Township 19 North, Range 12 East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, and more particularly described as follows:

Beginning at a point 20 feet East and 25 feet North of the SW corner

CZ-26 (continued)

of said SE/4 Section; thence running North and parallel to the West Boundary Line 300 feet; thence East and parallel to the South Boundary Line 291 feet; thence South and parallel to the West Boundary Line 300 feet; thence West and parallel to the South Boundary Line 291 feet to the Point of Beginning: AND

All that part of the SW/4 of the SE/4 of Section 32, Township 19 North, Range 12 East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, and more particularly described as follows: Beginning at a point 325 feet North and 30 feet East of the SW corner of the SE/4 of Section 32; thence North and parallel to the West line of said SE/4, a distance of 145 feet; thence East a distance of 270 feet; thence South and parallel with the West line of said SE/4, a distance of 145 feet; thence West a distance of 270 feet to the Point of Beginning.



SUBDIVISIONS:

Braeswood Addition (483) 61st Street and South Oswego Avenue (RS-1)

Mr. Wilmoth advised that he had not received all of the letters for final approval and release of this plat. He recommended the item be tabled.

The Chair, without objection, tabled Braeswood Addition.

3100 Garnett Square Addition (1994) SW corner of 31st Street and Garnett Rd.

The Staff advised that all letters are in the file and final approval and release is recommended.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Eller, Freeman, Gardner, Holliday, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Inhofe, C. Young, "absent") to grant final approval and release of 3100 Garnett Square Addition.

There being no further business, the Chair adjourned the meeting at 5:25 p.m.

Date Approved July 29, 1981

  
Chairman

ATTEST:

  
Secretary