

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1367
Wednesday, July 22, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Higgins Holliday, Secretary Kempe, 2nd Vice- Chairman Petty C. Young, Chairman T. Young	Freeman Gardner Inhofe Parmele	Gardner Howell Lasker	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, July 21, 1981, at 11:21 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman C. Young called the meeting to order at 1:32 p.m. and declared a quorum present.

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Eller, Holliday, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Inhofe, Parmele, "absent") to approve the Minutes of June 15, 1981 (No. 1361-A).

Z-5580 (continued)

The owner of the property directly across the street from the subject tract offered his residence for sale; however, he received no residential offers because it would not have any family appeal as a residence. Later he received an offer to convert the property to office use. An application was made for OL zoning by the intended purchaser and the Planning Commission recommended approval for the change, subject to 50 feet of parking zoning on the north lot line of the tract. When the application was presented to the City Commission, the applicant requested OL zoning on the entire property which was denied by the Commission. Ms. Brown advised that the owner has recently rented the property and has informed her that he will reapply for light office zoning on the tract when the six month waiting period has elapsed. Therefore, there are two properties, isolated in nature from their residential neighbors, that are no longer in demand as residences.

The property, located on a street which is one block long, would not set up a domino affect since there would be no place to go to. In addition, Ms. Brown advised that there has not been any adverse reaction to the proposed rezoning from the adjacent property owners or those within the 300-foot notification line. However, she was aware of a few protestants who live out of the notified area, several hundred feet to the west of College Avenue on 49th Street. The applicant noted that the requested zoning would not affect those protestants any further than they are already affected by the office complex zoning that is nearer their homes. They live closer to Columbia Place and do adjoin the OL complex. The subject property is completely isolated from their homes in all respects.

It was Ms. Brown's understanding that the purpose of the TMAPC is for a logical and orderly growth pattern for the changing City of Tulsa. She noted that her application was a very logical and reasonable request considering all the facts and urged the Commission recommend approval of the requested OL zoning.

Protestants: Fred Sellers Addresses: 2823 East 49th Street
 Joe Richards 2819 East 49th Street

Protestant's Comments:

Fred Sellers presented a protest petition (Exhibit "A-1") bearing signatures of 15 area residents. He pointed out that the proposed zoning would be in violation of the District 6 Plan. The zoning action approved last year for the Trade Winds property has caused a domino affect into the neighborhood. Four houses have been offered for sale and one house has been converted to rental since the Trade Winds property was rezoned. Mr. Sellers advised that the area residents are particularly concerned about the lack of a "noticeable plan" for the area. In regard to the applicant's statement that College Avenue is a business street, Mr. Sellers pointed out it would then follow that 49th Street is also a business street. He questioned if it was the intent of the planners of the City that 49th Street be considered a business street.

Speaking to the difficulty of selling residential property in the area, Mr. Sellers noted that everyone was having the same problem due to the high interest rates at this time. He expressed concern for Ms. Brown and her trouble selling the subject tract, but did not feel that issue was germane to the question at this time.

Z-5580 (continued)

Most of the houses in the area were constructed before the freeway was put in. Therefore, at the time the freeway was built it was believed that an especially creative zoning plan was necessary to protect the neighborhood from being destroyed for the freeway. A very good plan was devised and executed which included attractive, well-maintained, low-density office buildings which make an excellent buffer for the residential area. The existing neighborhood is not threatened by the freeway; however, if the zoning begins encroaching on the deep lots where potential exists for selling the rear portion of the tracts, the precedent would be set and rezoning could not be prevented from continuing on to Columbia Place.

Joe Richards advised that he has resided in the area since 1946. It has been a constant battle by the area homeowners to maintain the residential status of the area. It was his opinion that if the situation could be stabilized at its present boundaries, there would be a reasonable chance of being secure of maintaining one of the nicer, older neighborhoods in the City. The lots in the neighborhood have not been changed appreciably since 1946. This is a stable, single family residential neighborhood. Any encroachment into the present area has the absolute potential of creating a ripple or domino affect in the neighborhood.

A letter (Exhibit "A-2") listing objections to the proposed rezoning application was received from the Shirk family. Three concerns listed in the letter included the small sewer lines in the area, problems with drainage and water runoff and replacement of property line stakes.

A recommendation for denial was received from the District 6 Steering Committee (Exhibit "A-3"). The letter stated that any change in zoning from residential to nonresidential would set a precedent for similar changes and would be an unwarranted intrusion into the neighborhood.

Instruments Submitted: Protest Petition (15 signatures) (Exhibit "A-1")
Letter from Shirk Family (Exhibit "A-2")
Letter from District 6 Steering
Committee (Exhibit "A-3")

Special Discussion for the Record:

Ms. Brown pointed out there has been change from College Avenue to Harvard and there will continue to be change closer to Harvard Avenue because there is vacant land available. She advised that she could not see how the light office zoning on these two residential properties would have any adverse affect upon the people who live at the west end of 49th Street. They do not use or associate with College Avenue.

The applicant noted that the Skirk Family has a garage which sets on the property line and when there is a heavy rain, the water does run down the property line and into Mr. Shirk's garage. In regard to the smaller sewer lines, Ms. Brown advised that when the lots were originally plotted they were on their own septic systems and then were changed to the City sewer system -- she did not feel there would be a problem since there would not be too much use of the system for anything that could be constructed on this size property.

Z-5580 (continued)

Noting that this case is similar to one of May 1981, in which the TMAPC recommended OL zoning (subsequently denied by the City Commission), Commissioner Petty advised that the property across the street from the subject tract is surrounded on two sides by OL zoning and he was of the opinion that there will always be continuous pressure on that property to develop OL. The subject property will, therefore, become isolated and the Commissioner did not feel Ms. Brown should be restricted from the use of her property. Commissioner Petty made a motion to approve the requested OL zoning.

Commissioner T. Young offered a substitute motion for denial of the application. The substitute motion did not receive a second.

TMAPC Action: 7 members present.

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

The South 104.8 feet of Tract One (1), and the South 104.8 feet of the E/2 of Tract Two (2), Block Three (3), Villa Grove Subdivision, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

ZONING PUBLIC HEARING:

Application No. CZ-27 Present Zoning: RE
Applicant: D. M. Sokolosky Proposed Zoning: CG
Location: North and East of 86th Street North and Highway #169

Date of Application: June 2, 1981
Date of Hearing: July 22, 1981
Size of Tract: 2.5 acres

Presentation to TMAPC by: D. M. Sokolosky
Address: P. O. Box 8, Owasso, Oklahoma Phone: 272-3234

The applicant was present, but did not wish to comment.

A letter from the Owasso City Planning Commission (Exhibit "B-1") recommending approval of the requested CG zoning, was exhibited.

Relationship to the Comprehensive Plan:

The subject property is located within District 15 and within the annexation Fence Line of the City of Owasso. The Comprehensive Plan for Owasso designates the property Low-Intensity -- Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CG District is not in accordance with the Plan Map; however, the Owasso Planning Commission voted 3-0, on June 18, 1981, to recommend approval of CG zoning as requested.

Staff Recommendation:

The Staff recommends APPROVAL of CG zoning, except the western portion within the designated highway right-of-way and except the east portion within the take-line of the Mingo Valley Expressway realignment, for the following reasons:

The subject property is located on the east side of U. S. Highway #75 and west of the future Mingo Valley Expressway. The tract is vacant, zoned RE Residential Estate and the applicant is requesting CG General Commercial zoning to accommodate boat and motor sales. The tract is 2.5 acres in size. The west side of Highway #75 is within the Owasso City Limits and is zoned CG General Commercial. This area contains various commercial and office developments. The proposed zoning is not consistent with the Comprehensive Plan for the City of Owasso, but is appropriate given the existing physical facts in the area.

The Staff, therefore, recommends APPROVAL of CG zoning as requested, excepting the eastern and western portions of the property within existing or designated rights-of-way.

For the record, the purpose of not zoning the eastern boundary is to keep buildings from being constructed in the future expressway right-of-way.

Instruments Submitted: Letter from Owasso City Planning Comm. (Exhibit "B-1")

CZ-27 (continued)

TMAPC Action: 7 members present.

On MOTION of PETTY, the Planning Commission voted 6-1-0 (Eller, Higgins, Holliday, Kempe, Petty, C. Young, "aye"; T. Young "nay"; no "abstentions"; Freeman, Gardner, Inhofe, Parmele, "absent") to recommend to the Board of County Commissioners that the following property be rezoned CG except the eastern and western portions of property within existing or designated rights-of-way, as per Staff Recommendation:

The S/2 of the S/2 of the NW/4 of the NW/4 of the SW/4 of Section 20, Township 21 North, Range 14 East of the Indian Base and Meridian, according to the U. S. Survey thereof, Tulsa County, Oklahoma.

Application No. Z-5584 Present Zoning: OL
Applicant: R. James Unruh (Mayo) Proposed Zoning: CS
Location: NW corner of 51st Street and 129th East Avenue

Date of Application: June 4, 1981
Date of Hearing: July 22, 1981
Size of Tract: 3.5 acres, more or less

Presentation to TMAPC by: R. James Unruh
Address: 320 South Boston Building, Suite 525 Phone: 582-7236

The applicant was present, but did not comment.

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.

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 subject tract is located north and west of 51st Street and 129th East Avenue. The tract is vacant, zoned OL and the applicant is requesting CS zoning.

The existing CS zoning at this intersection already exceeds both the Type One and Type Two Nodes. The Comprehensive Plan, however, designates 15 acres of medium intensity which is the combined size of the existing CS (11.25 acres) and the proposed CS (3.75 acres of OL). A comparable amount of CS zoning was also approved south of the Broken Arrow Expressway, on the west side of 129th East Avenue.

Based on these reasons, the Staff recommends APPROVAL of CS zoning as requested.

Letters were received from Robert R. Miller, Ford Plant Manager (Exhibit "C-1"), C. T. Pumpelly, Dowell Chemical (Exhibit "C-2"), Lawrence Bernhardt, Hilti Western Hemisphere (Exhibit "C-3"), R. Bruce Metchell, Jr., Cities Service Company (Exhibit "C-4"), Donald A. Odell, Metropolitan Life Insurance Company (Exhibit "C-5"), and Bradford J. Williams, Jr., Ken's Pizza Parlors, Inc., (Exhibit "C-6"). The company representatives expressed interest in the proposed project and the need for this type of facility in the immediate area.

Protestants: None.

Instruments Submitted: Letters from: Ford Plant Manager (Exhibit "C-1")
Dowell Chemical (Exhibit "C-2")
Hilti Western Hemisphere (Exhibit "C-3")
Cities Service Company (Exhibit "C-4")
Met. Life Ins. Company (Exhibit "C-5")
Ken's Pizza Parlors, Inc. (Exhibit "C-6")

Z-5584 (continued)

TMAPC Action: 7 members present.

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

The North 110 feet and the West 110 feet of the Southeast 15 acres of the SE/4 of the SE/4, Section 29, Township 19 North, Range 14 East, City and County of Tulsa, Oklahoma.

Application No. Z-5586 Present Zoning: IL
Applicant: Jones (TURA & Greenwood Chamber of Commerce) Proposed Zoning: CH
Location: NE corner and NW corner of Greenwood Avenue & Archer Street

Date of Application: June 9, 1981
Date of Hearing: July 22, 1981
Size of Tract: 1.3 acres, more or less

Presentation to TMAPC by: Jim Goodwin
Address: 122 North Greenwood Avenue Phone: 582-9181

Relationship to the Comprehensive Plan:

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium-to High-Intensity--Commercial and Light Industry.

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

Staff Recommendation:

The Staff recommends APPROVAL of CH zoning as requested, for the following reasons:

The subject property is located on either side of Greenwood Avenue, north of Archer Street. The property is zoned IL Light Industry and the applicant is requesting CH Commercial High Intensity District.

The Comprehensive Plan recognizes CH High Intensity Commercial zoning, within the Inner Dispersal Loop, as being appropriate and consistent with the long-range redevelopment plan for this area. The subject property contains the old Greenwood commercial district which was originally developed at CH standards. The buildings are on the property line (no building setbacks) and they do not have off-street parking.

Therefore, based on the physical facts and Comprehensive Plan for the area, the Staff recommends APPROVAL of CH as requested.

Applicant's Comments:

Jim Goodwin, speaking on behalf of Waldo Jones, TURA and the Greenwood Chamber of Commerce, advised that this was an historic endeavor, both biracial and bipartisan. It is the culmination of a dream which the applicants believe will be of immense benefit and make a great contribution to the City of Tulsa.

A Memorandum (Exhibit "D-1") from John Piercey, Department of City Development, confirming support for the requested zoning change, was presented. The communication noted that not only is the requested CH zoning in conformance with the plans for the area, it is also consistent with the established zoning pattern within most of the District and in the immediate area as well.

Protestants: None.

Z-5586 (continued)

Instruments Submitted: Memorandum - Department of City Development
(Exhibit "D-1")

TMAPC Action: 7 members present.

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

TRACTS: 1, 2 and 3

Block 46: All that part of Lots 1, 2, and 3, Block 46, in the Original Townsite of Tulsa, now City of Tulsa, Tulsa County, State of Oklahoma, according to the original plat thereof, and being more particularly described as follows, to wit: Beginning at the SE corner of Lot 3, Block 46; thence Northerly along the East line of Block 46 a distance of 300.00' to the NE corner of Lot 1, Block 46; thence Southwesterly, along the North line of Lot 1, a distance of 60.00' to a point on the Southeasterly right-of-way line of the Sand Springs Railway Company; thence Southerly along said right-of-way line, a distance of 113.38' to a point on the Westerly line of Lot 1, said point being 80.00' South of the Northwest corner of Lot 1; thence Southeasterly along the Westerly line of Lots 1 and 2, Block 46, a distance of 81.85' to a point on the Northeasterly right-of-way line of the M.K.&T. Railroad Company; thence Easterly along said M.K.&T. right-of-way line a distance of 187.84' to a point on the Southerly line of Lot 3, Block 46; thence Easterly along said Southerly line of Lot 3, a distance of 12.12' to the point of beginning, and containing 29,966.69 square feet, more or less;

AND

A part of Lot 1, Block 46 of the Original Townsite of Tulsa, Tulsa County, State of Oklahoma, according to the original plat thereof, more particularly described as follows, to wit: Beginning at a point on the North line of Lot 1, Block 46, said point being 90.00' Westerly of the Northeast corner of Lot 1, Block 46; thence Westerly, along the North line of Lot 1, a distance of 50.00' to the Northwest corner of Lot 1; thence Southeasterly, along the Westerly line of Lot 1 a distance of 50.00' to a point on the Northerly line of the Sand Springs Railway Company right-of-way; thence Northeasterly along said right-of-way line, a distance of 70.86' to the point of beginning, and containing 1,249.99 square feet;

AND

A part of Lot 6, Block 46, of the Original Townsite of Tulsa, Tulsa County, State of Oklahoma, according to the official Plat thereof, and being more particularly described as follows, to wit: Beginning at the Northeast corner of Lot 6, Block 46, of the Original Townsite of Tulsa; thence Southeasterly along the East line of Lot 6, a distance of 65.00' to a point; thence Southwesterly a distance of 53.00' to a point, said point being 46.78' perpendicularly distant in a Westerly direction from the Easterly line of Lot 6, and 89.70' per-

Z-5586 (continued)

pendicularly distant in a Southerly direction from the Northerly line of Lot 6, said point being the point of intersection of the Northerly line of the M.K.&T. Railroad Company right-of-way and the Westerly line of the Sand Springs Railway Company right-of-way; thence Northwesterly, along the M.K.&T. Railroad Company right-of-way a distance of 121.97' to a point on the Northerly line of Lot 6; thence Easterly a distance of 129.82' to the Northeast corner of Lot 6 and the point of beginning, and containing 7,342.83 square feet.

The three tracts described in Block 46 together contain 38,559.51 square feet.

TRACT: 4

Block 47: A part of Lots 5 and 6, Block 47, in the Original Townsite of Tulsa, now City of Tulsa, Tulsa County, State of Oklahoma, according to the original Plat thereof and being more particularly described as follows, to wit: Beginning at the Southwest corner of Lot 5, Block 47; thence Easterly along the Southerly line of Lot 5, a distance of 140.00' to the Southeast corner of Lot 5; thence Northerly along the Easterly line of Lot 5, a distance of 78.00' to a point on the Southwesterly right-of-way line of Interstate Highway #244 (I-244); thence Northwesterly along the Southwesterly right-of-way line of I-244 a distance of 70.22' to a point; thence Westerly and parallel with the Southerly line of Lot 5, a distance of 86.88' to a point on the Westerly line of Lot 6, Block 47; thence Southerly along the Westerly line of Lots 5 and 6, a distance of 124.15' to the point of beginning, and containing 16,155.26 square feet, more or less.

TRACT: 5

The Southerly Thirty-five (35) feet of Lot One (1) in Block Forty-six (46) of the Original Townsite (now City) of Tulsa, less the Sand Springs Right-of-Way, and the Northerly Twenty-five (25) feet of Lot Two (2) in Block Forty-six (46) of the Original Townsite, (now City) of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Application No. CZ-29 Present Zoning: RE
Applicant: D. M. Sokolosky Proposed Zoning: CG & RMH
Location: North and West of the NW corner of 96th Street and Highway #75

Date of Application: June 15, 1981
Date of Hearing: July 22, 1981
Size of Tract: 60 acres

Presentation to TMAPC by: D. M. Sokolosky
Address: P. O. Box 8, Owasso, Oklahoma Phone: 272-3234

Relationship to the Comprehensive Plan:

The North Tulsa Comprehensive Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity, N.S.L.U. and Potential Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CG District is not in accordance with the Plan Map, CS and RMH may be found in accordance.

Staff Recommendation:

The subject property is located at the NW corner of 96th Street North and the Cherokee Expressway. The 72-acre tract is undeveloped, contains several producing oil wells and the applicant is requesting a combination of CG General Commercial and RMH Mobile Home Park zoning.

The subject tract merits consideration for 10 acres of CS Commercial zoning (660' x 660') adjacent to the intersection. However, there is not sufficient water or sewer facilities to accommodate RMH intensities. Ten acres of CS Commercial zoning is premature, but does fit within the Development Guidelines of the Comprehensive Plan and, therefore, supportable on that basis. AG zoning and 2-acre tracts permit mobile homes as a matter of right. The Staff suggests the applicant rezone the RE portion AG if mobile homes are desired in this area.

Based on these findings, the Staff recommends APPROVAL of 10 acres (660' x 660') of CS adjacent to the intersection and DENIAL of CG and RMH.

Applicant's Comments:

D. M. Sokolosky advised that the proposed use of the subject tract is not as a mobile home park, but for location of mobile homes on 1½ -- 2-acre tracts. The size of the tracts would depend on the percolation of the property.

Interested Party: Bill Wines Address: P. O. Box 35, Owasso, Okla. 74055

Interested Party's Comments:

Bill Wines advised that he owns approximately 240 acres and 9 houses in the section to the south of the subject tract. The Wines' property does not directly adjoin the subject property. Mr. Wines presented a map (Exhibit "E-1") of the surrounding area and pointed out that the only access to the subject tract would be within 20 feet of the property to the west. He noted that the right-of-way has been purchased and the survey and plans show an additional lane for Highway #75 which will present an ingress and egress problem for the subject tract. Mr. Wines stated he would not like to see a mobile home park develop, but would not object to mobile home use if the units were placed on two-acre lots.

CZ-29 (continued)

Protestants: None.

Instruments Submitted: Map of the Area (Exhibit "E-1")

Special Discussion for the Record:

In the event that the intersection developed in a traditional zoning pattern, Commissioner T. Young questioned what would be the logical buffer zoning outside of the recommended 10 acres of commercial zoning.

Bob Gardner advised that approximately 300 feet of RM-0 would be permissible to buffer the commercial site. He noted that this is not a highly urbanized area and did not anticipate that it would be in the future, it is low density. Acreage lots could back to the proposed shopping area and there would be 200 foot separation between the actual boundary and any houses. Therefore, a multifamily buffer would not be necessary as it is on small lots in an urban setting.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Higgins, Holliday, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, Parmele, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned 10 acres (660' x 660') of CS adjacent to the intersection and denial of CG and RMH:

The W/2 of the SE/4, less 4.82 acres on the East for Highway and, less the West 330 feet of the South 660 feet in Section 16, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

Application No. Z-5589

Present Zoning: RS-3

Applicant: Sallee

Proposed Zoning: IL

Location: SW corner of 46th Street North and Mingo Road

Date of Application: June 18, 1981

Date of Hearing: July 22, 1981

Size of Tract: 2.27 acres

Presentation to TMAPC by: J. W. Sallee

Address: 1646 East 15th Street

Phone: 583-2729

The applicant was present, but did not comment.

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 -- No Specific Land Use.

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 for the following reasons:

The subject property is located east of the southeast corner of the intersection of 89th East Avenue and 46th Street North. The property is 2.27 acres in size, zoned RS-3 Single Family Residential and the applicant is requesting IL Light Industry.

The Comprehensive Plan encourages industrial redevelopment within this area. The subject property is abutted on the east by recently approved IL zoning, which contains a new industrial business fronting 46th Street North and is abutted on the west by an area zoned IL Light Industry. There is also a new business developing southwest of this property.

The subject property is consistent with the Comprehensive Plan, consistent with the zoning patterns in the area, and accordingly, the Staff recommends APPROVAL.

Protestants: None.

TMAPC Action: 7 members present.

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

The E/2 of the W/2 of the NW/4 of the NE/4 of the NE/4, less the South 20' and the North 60', Section 13, Township 20 North, Range 13 East, Tulsa County, Oklahoma, containing 2.27 acres.

Application No. Z-5590

Applicant: Messick (Cunningham)

Location: East of the SE corner of 58th Street and South Peoria Avenue

Present Zoning: RS-3

Proposed Zoning: OM

Date of Application: June 18, 1981

Date of Hearing: July 22, 1981

Size of Tract: 150' x 330'

Presentation to TMAPC by: Paul Messick

Address: 1320 East 58th Place

Phone: 743-9791

Relationship to the Comprehensive Plan:

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the OM District is not in accordance with the Plan Map; however, OL zoning may be found in conformance.

Staff Recommendation:

The Staff recommends DENIAL of OM zoning and APPROVAL of OL zoning for the following reasons:

The subject tract is located east of the southeast corner of 58th Street and South Peoria Avenue. The tract contains a residence, is zoned RS-3 and the applicant is requesting OM Office Medium zoning.

The requested OM zoning is interior in location having access only to a minor residential street. The Plan Map would permit OL zoning and OL zoning exists 150 feet to the south. There is no question that OL zoning is appropriate, based on the CS zoning to the north and west; however, medium intensity zoning should front the major street if it is to be approved. The Staff would support .40 floor area ratio via the Board of Adjustment if desired, but not OM zoning.

Based on these reasons, the Staff recommends DENIAL of OM and APPROVAL of OL.

The Chairman announced that there has been a "late" request for a continuance of this item.

Don Fitzwater, 7968 East 59th Street, advised that he had just purchased his property 25 days ago and had not been notified of the impending zoning change, but had seen the subject property listed on the TMAPC Agenda in Monday evening's Tribune. He requested a two week continuance to allow time to discuss the application with his attorney and learn what his rights are.

Paul Messick advised that he had just purchased the subject property from Mr. Cunningham and at the time he made the rezoning application he understood that the adjacent property was under contract for sale. The applicant stated that his plans included an office structure, low-intensity use.

Commissioner Kempe questioned the legal aspect of considering this application since the adjacent property owner was not notified.

Z-5590 (continued)

Assistant City Attorney, Alan Jackere, advised that the notices were mailed with the information that is available at the Court House. He was of the opinion that there is merit to the argument of the adjacent property owner; however, there is not any better way to send out the notices than what is followed at this time.

Noting that the protestant was in attendance at the meeting and would be able to state his case, Commissioner Petty was in favor of hearing the case at this time.

On MOTION of PETTY, the Planning Commission voted 4-2-0 (Eller, Holliday, Petty, T. Young, "aye"; Kempe, C. Young, "aye"; no "abstentions"; Freeman, Gardner, Higgins, Inhofe, Parmele, "absent") to hear application Z-5590 as listed on the agenda.

Applicant's Comments:

Paul Messick advised that he had purchased the tract immediately to the west of the subject tract in 1969 and constructed an office for Messick Construction Company. At that time he ran a \$6,000 sanitary sewer main from one block north, across the front of the subject property and across the front of the properties to the east. This sewer main was donated to the City of Tulsa. The applicant stated he has been trying to purchase the subject tract since he had outgrown his property to the west.

Mr. Messick proposed construction of a tall building with a mezzanine floor on the west part of the original tract in order to house all of the outside activities including vehicles, pick-ups, etc. A small office for accountants is proposed for the subject tract. The applicant was of the opinion that he would be increasing the tax base without increasing the tax burden. Noting the Staff Recommendation for the lower classification of office zoning, Mr. Messick advised that approval of OL might change his plans of going one-story on two locations on the entire tract to constructing a two-story building on one location. For this reason, he urged approval of the OM zoning; however, if that is not agreeable, OL zoning would be acceptable.

Protestants: Ed Parks, II Addresses: 5553 South Peoria Avenue
 Don Fitzwater 7968 East 59th Street

Protestant's Comments:

Ed Parks II, advised that he is co-owner and partner in the purchase of the property adjacent to the subject tract. He noted that his partner, Don Fitzwater, was present to apprise the Commission of some of the problems that they foresee with the requested zoning change.

Don Fitzwater advised that he and Mr. Parks had purchased their property within the past month. He pointed out that the proposed zoning is not in accord with the Comprehensive Plan and was contrary to what he had designed for his property.

Mr. Fitzwater noted that the applicant may have a very good idea for his property; however, he was concerned what might happen to the tract in the future. Plans for the Fitzwater/Parks property include residential use and the protestant pointed out that people will be looking at the back of a 12-foot building just 10 feet from their back door. Mr. Fitzwater presented pictures (Exhibit "F-1") of the surrounding area

Z-5590 (continued)

and pointed out that the property adjacent to his tract is zoned single family residential with a welding shop operated there and junky equipment around. It was his opinion that even that is better than a 12-foot building out your back door. The welding operation is located on the subject tract. He advised that there will be a lot more people affected by this in the future than there are at this time.

In clarification, Mr. Parks stated that plans for their property include 18 single family residences constructed with zero lot lines which will be individually owned.

Instruments Submitted: Pictures of surrounding area (Exhibit "F-1")

Special Discussion for the Record:

Bob Gardner advised that if the subject tract was approved for OL zoning, the applicant would have a 10-foot setback on the east boundary; there is not a setback on the west boundary which is adjacent to CS zoning. For maximum use of the subject tract, the building will be located on the west with the driveway and parking area to the east.

Paul Messick was of the opinion that locating 18 townhouses on a lot which initially held one house would be a commercial use of the property. The applicant noted that he was not upgrading his property with the thought of selling it and making a profit. In regard to the townhouse residents looking at the back of a 12-foot high building, Mr. Messick pointed out that there would be a privacy fence erected, probably an 8-foot high fence. The applicant advised that when the owner of the adjacent property applied for rezoning he did not object even though he did not want an apartment use next to his tract. However, Mr. Messick stated he could not object to the owner's use of the land the way that it was best for his business and felt he would be afforded the same consideration. The applicant advised that the welding business on the subject tract was operated by the previous owner.

Commissioner T. Young was troubled by the office application on the subject tract because he was of the opinion that the office and commercial line, with the exception of the Public Service plant, has been established and he would not like to see the area extended for those uses. The Plan for the area does recognize a medium intensity development in the area, but it clearly states residential. The Commissioner noted that some thought must be given to the fact that the RM-2 development is partially underway and this change in zoning could create a hardship for that tract.

Chairman C. Young pointed to the massive amount of RS-2 zoning to the north, RM-1 and RM-2 zoning to the south -- he noted that there was a pocket there with some commercial to the north and south, a little office use and the remaining strip of RS-3 which is being crowded in. The Chairman stated he did not see how anyone could be against the office use on the one strip when the same person owns the adjacent property.

Z-5590 (continued)

Commissioner Petty pointed out that the Green Thumb Nursery is a commercial use even though the zoning is not in place for that use. He advised that there is commercial use abutting the subject tract to the west with RM-2 on the other side. He did not feel the Commission could deny the OL zoning.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 5-1-0 (Eller, Holliday, Kempe, Petty, C. Young, "aye"; no "abstentions"; Freeman, Gardner, Higgins, Inhofe, Parmele, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL:

Lot 6, Southlawn Addition, Tulsa County, Oklahoma, according to the recorded plat thereof.

Application No. 5591 Present Zoning: RM-1
Applicant: Taylor (Gouskos) Proposed Zoning: OL
Location: West of the SW corner of 137th East Avenue and 21st Street

Date of Application: June 18, 1981
Date of Hearing: July 22, 1981
Size of Tract: 2.12 acres

Presentation to TMAPC by: Chris Gouskos
Address: P. O. Box 1402

Phone: 437-2714

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 OL zoning, for the following reasons:

The subject property is located east of the SE corner of 135th (unimproved right-of-way) East Avenue and 21st Street. The tract is vacant, zoned RM-1 and the applicant is requesting OL Light Office zoning.

The two properties immediately west of the subject tract were recently zoned OL although not shown on the Map. The Comprehensive Plan permits either light office (OL) or low density apartments (RM-1). Based on the Comprehensive Plan the Staff supports office zoning. However, for the record, any attempt to rezone the property for commercial purposes in the future will not be in conformance with the Plan and will be opposed by the Staff.

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

The applicant was present, but did not wish to comment.

Protestants: None.

TMAPC Action: 7 members present.

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

A tract of land beginning at the Northeast corner of the NW/4 of Section 16, Township 19 North, Range 14 East; thence South 330 feet; thence West 330 feet; thence North 330 feet; thence East 330 feet to the point of beginning.

Application No. Z-5592 Present Zoning: AG
Applicant: Johnsen (Wm. K. Warren Med. Research Proposed Zoning: OL & RS-3
Center)
Location: East of the NE corner of East 66th Street South and South Yale Ave.

Date of Application: June 19, 1981
Date of Hearing: July 22, 1981
Size of Tract: 1 acre, more or less

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall Phone: 584-5644

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the OL and RS-3 Districts are in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of OL and RS-3 zoning, as requested, for the following reasons:

The subject property is located on the north side of 66th Street, east of Yale Avenue. The property is zoned AG, and the shape is the result of the alignment of 66th Street, the collector street. The portion requested for OL zoning abuts OL zoning to the north (parking lot) and the RS-3 portion abuts vacant RS-3 zoning to the north. The requested zoning is consistent with the zoning patterns in the area and compatible with the Comprehensive Plan.

Based on these findings, the Staff recommends APPROVAL of OL and RS-3 zoning, as requested.

Applicant's Comments:

Roy Johnsen advised that the subject property is a part of the Warren Foundation holdings in the St. Francis Hospital complex. The gap area which is zoned AG was acquired after the initial zoning of the office properties was completed. The acquisition was as a result of the relocation of the street which left this small area. The proposed zoning is consistent with the Warrenton Homeowner's Association agreement.

Protestants: None.

Interested Parties: Harriet Reece Address: 2235 South Rockford Ave.
Dr. J. T. Reece 2235 South Rockford Ave.

Interested Party's Comments:

Harriet Reece advised that she and her husband own the property to the south of the subject tract. Mrs. Reece noted that she had been informed that the Public Service Substation had to be zoned AG -- she questioned if this was the case. Mrs. Reece also questioned a line on the zoning map across her property; the line has just recently appeared.

Dr. J. T. Reece stated that he and his wife own approximately 18 acres in the area. He questioned if the zoning map was correct.

Z-5592 (continued)

Special Discussion for the Record:

Bob Gardner advised Mrs. Reece that the Public Service Substations are allowed in AG zoning as a matter of right; any other zoning classifications would require a special exception.

Commissioner T. Young informed the interested parties that the maps presented at the meeting show approximations of the zoning cases; when the Ordinance is passed the legal descriptions are included.

TMAPC Action: 6 members present.

On MOTION of ELLER, 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 recommend to the Board of City Commissioners that the following described property be rezoned RS-3 and OL:

The North 145' of the East 325' of the NE/4 of the NW/4 of the SW/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma; AND,

The South 100' of Lot 2, Block 1, William K. Warren Medical Research Center, Inc., according to the recorded plat thereof.

Application No. Z-5593 Present Zoning: RS-3
Applicant: Joe Seibert Proposed Zoning: OM
Location: East of the SE corner of 58th Street and South Peoria Avenue

Date of Application: June 19, 1981
Date of Hearing: July 22, 1981
Size of Tract: 2.5 acres, more or less

Presentation to TMAPC by: Joe Seibert
Address: 5929 South Peoria Avenue Phone: 743-5047

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

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

The subject property is located on the east side of Peoria Avenue, north of 60th Street. The property is zoned RS-3 and the applicant is requesting OM Office Medium zoning.

The subject property contains a nonconforming commercial use, is across from commercial zoning and is abutted on the north and south by commercial zoning. OM zoning is consistent with the zoning patterns in the area and is considered a very appropriate use for the area.

Based on these physical facts, the Staff recommends APPROVAL of OM zoning as requested.

For the record, the Plan will need to be amended to delete the specific use reference.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, 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 recommend to the Board of City Commissioners that the following described property be rezoned OM:

Lots 8 and 9 and the W/2 of Lot 10, Southlawn Addition, Tulsa County, Oklahoma.

Application PUD #202-B Present Zoning: (OM)
Applicant: Wm. J. Doyle (Hines)
Location: SW corner of 63rd Street and Memorial Drive

Date of Application: June 19, 1981
Date of Hearing: July 22, 1981
Size of Tract: 15.9 acres

Presentation to TMAPC by: William J. Doyle
Address: 201 West 5th Street, 4th floor Phone: 581-8200

Staff Recommendation:

Re-allocation of Permitted Floor Area, Lots 1-4, Block 2 and Lot 1, Block 3, Shadow Mountain II Addition.

The subject request involves a re-allocation of permitted office floor area for Shadow Mountain II Addition. This subdivision was originally limited to 244,500 square feet of office floor area. Subsequently, Charles Norman, representing the property owners, prepared an amended covenant (never filed) which re-allocated the 244,500 square feet in the following amounts.

<u>Block 2</u>	<u>Office Square Feet</u>	<u>Applicant's Request</u>
Lot 1	59,519	140,000
Lot 2	41,360	
Lots 3 & 4	88,104	88,104
<u>Block 3</u>		
Lot 1	55,517	45,000

The applicant is requesting 273,104 square feet for an increase of 28,604 square feet of office floor area as per the amounts above. The underlying OM zoning within their subdivision plat (Shadow Mountain II less RS-3 zoned property) would permit the request. Calculating their property zoned OM less 1/2 of the streets which abut other properties would permit their request also.

The Staff's calculations show approximately 31,000 square feet of floor area that could be transferred instead of 34,000 as calculated for the applicant. Since our figures are not as exacting as an engineers, there may be an additional 3,000 square feet to transfer.

Since the applicant's requested amendment is within the square footage amounts permitted by the underlying zoning and since the amendments will stand on their own zoning of the properties, the Staff finds the proposal in keeping with the intent of the approved PUD and therefore, recommends approval, subject to the following conditions:

1. That the applicant's requested footages, parking and landscape area figures shall apply per Site Plan submitted.
2. That office development on Lot 1, Block 3 be limited to 2 stories in height per PUD #202.
3. That Detailed Site Plans be submitted and approved by TMAPC before issuance of building permits for Lots 1 and 2, Block 2 and Lot 1, Block 3.

PUD #202-B (continued)

4. That amended covenants, as approved by TMAPC and City Legal Department, be filed of record in the County Clerk's Office prior to development of Lots 1 and 2, Block 2 and Lot 1, Block 3.

Applicant's Comments:

William J. Doyle advised that the present plan has been closely coordinated with the Staff and he was in agreement with the conditions set forth in the Staff Recommendation. The amended application (Exhibit "G-1") was presented by the applicant.

Protestants: None.

Instruments Submitted: Amended Application (Exhibit "G-1")

TMAPC Action: 6 members present.

On MOTION of PETTY, 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 recommend to the Board of City Commissioners that the following described property be approved, subject to the conditions:

All of Shadow Mountain II, an Addition to the City of Tulsa, Okla.

Z-5594 Bailey Nicholas (Hood Construction) North and East of the NE corner
of 61st Street and 89th East Avenue RD, RS-3 to RM-1

A request for a two-week continuance of this item was received from the applicant. The continuance would allow time to re-evaluate and reconstruct the site plans and engineering study. The applicant was not present at the meeting.

The Staff verified to the Commission that the requested continuance was filed at the INCOG office before the 12:00 noon deadline on Monday, July 20, 1981.

Gary Main, 9008 East 60th Street, objected to the requested continuance since many of the protestants present at the meeting had taken time from their work and others were paying babysitters in order to attend. Mr. Main advised that he and other homeowners in the area had been notified, by representatives of the applicants, at 5:25 p.m., the previous evening, that a continuance would be requested.

Pat Shuck, 9006 East 60th Street, felt the continuance was an imposition on her time and she was concerned that she might not be able to attend the next meeting and defend herself. She was very much opposed to development of a multifamily structure behind her residence.

On MOTION of ELLER, the Planning Commission voted 5-0-1 (Eller, Holliday, Kempe, Petty, C. Young, "aye"; no "nays"; T. Young "abstaining"; Freeman, Gardner, Higgins, Inhofe, Parmele, "absent") to continue Z-5594 to August 5, 1981, 1:30 p.m. Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-31 Present Zoning: IL & RS
Applicant: Lansford Engineering Company (Conard) Proposed Zoning: IL
Location: NW corner of 56th Street North and Peoria Avenue

Date of Application: June 19, 1981
Date of Hearing: July 22, 1981
Size of Tract: 10.2 acres

Presentation to TMAPC by: Gary Howell
Address: 311 North Aspen, Broken Arrow, Okla. Phone: 251-1537

The applicant was present at the meeting, but did not comment.

Relationship to the Comprehensive Plan:

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the IL District is 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 north and west of the northwest corner of the intersection of 56th Street North and Peoria Avenue. The majority of the subject property is already zoned IL, except for small portions on the northern boundary and the southwestern boundary which is zoned RS.

The requested zoning change is consistent with the Comprehensive Plan which designates the triangular area between the railroad tracts on the west, Peoria Avenue on the east, 56th Street on the south and 66th Street on the north as a Special District. The subject property has direct frontage on Both Peoria and 56th Street North. The general area is developed a mixture of industrial, commercial and residential and the proposal is located on the frontage of the transition area.

Based on these reasons, the Staff recommends APPROVAL of IL zoning, as requested.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of ELLER, 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 recommend to the Board of County Commissioners that the following described property be rezoned IL:

All that part of the SE/4, SE/4 of Section 1, Township 20 North, Range 12 East, Tulsa County, State of Oklahoma, more particularly described as follows:

SUBDIVISIONS:

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

AND

East Central Park (3204, 594) East Admiral Place and South 123rd East Avenue (RM-0)

The Staff advised that all letters are in the file and recommended approval and release of Braeswood and East Central Park Additions.

On MOTION of HIGGINS, 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") for final approval and release of Braeswood and East Central Park Additions.

OTHER BUSINESS:

PUD #204 John Sublett West of Harvard Avenue in an area of 95th Street So.

Consider a Minor Amendment of the building setback line along Harvard Avenue, Lot 19, Block 1, Sycamore Hill, a part of PUD #204.

Mr. Gardner presented the written request (Exhibit "I-1") and advised that John Sublett, attorney for Mr. & Mrs. Stuart Gibbs, is requesting an amendment to the 30-foot building setback requirement from Harvard Avenue. Harvard Avenue is designated as a minor street at this location and contains the necessary 50 feet of right-of-way. The applicant is requesting to place a detached accessory building (cabana) within 15 feet of the rear property line. The proposed cabana contains 450 square feet which is less than the 750 square feet permitted for detached accessory buildings in RS Districts.

Therefore, since the cabana is a customary accessory use, is less than the maximum square footage permitted detached structures in the rear yard and since the property is elevated higher than Harvard Avenue, a minor street, the Staff considers the request minor in nature and recommends APPROVAL, subject to the plot plan submitted.

On MOTION of HIGGINS, 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 a minor amendment of the building setback line along Harvard Avenue, Lot 19, Block 1, Sycamore Hill, a part of PUD #204.

PUD #190 Larry Henderson South Granite Avenue, SW corner of 71st Street So., & Sheridan Road

Consider a Minor Amendment to permit 6 foot side yards.

Mr. Gardner presented the requested variance (Exhibit "J-1") and advised that Larry Henderson, owner of Lot 10, Block 6, Minshall Park II Addition, is requesting approval of a minor amendment to permit side yards totaling 12 feet instead of the required 15 feet. The site plan reflects a 6-foot side yard on both sides, PUD requires 7½ feet.

The shape of the lot, 90 feet in front tapering to 70.4 feet in the rear, is the hardship and, therefore, the request is appropriate. Accordingly,

CZ-31 (continued)

Beginning at the Northeast Corner of Tract 2, "KRUGER TRACTS" an addition to the County of Tulsa, State of Oklahoma, according to the recorded plat thereof; said point being 871.60' North and 65.00' West of the Southeast Corner of said SE/4, SE/4; thence due South, parallel to the East line of said SE/4, SE/4 and along the East line of said Tract 2, "KRUGER TRACTS" a distance of 521.60'; thence South $89^{\circ}-42'-00''$ West parallel to both the South line of said SE/4, SE/4 and the South line of said "KRUGER TRACTS" a distance of 200.00'; thence due South 150.00'; thence North $89^{\circ}-42'-00''$ East 50.00' to the Northwest Corner of Tract 1, "KRUGER TRACTS"; thence due South 150.00' to the Southwest Corner of said Tract 1, "KRUGER TRACTS"; thence South $89^{\circ}-42'-00''$ West along the South line of said Tract 2, "KRUGER TRACTS" and parallel to the South line of said SE/4, SE/4 a distance of 173.00' to the Southernmost Southwest Corner of said Tract 2, "KRUGER TRACTS"; thence due North along the Southernmost West line of said Tract 2, "KRUGER TRACTS", 174.00'; thence South $89^{\circ}-42'-00''$ West parallel to and 224.00' North of the South line of said SE/4, SE/4 a distance of 163.00'; thence due South 224.00' to a point in the South line of said SE/4, SE/4 551.00' from the Southeast Corner thereof; thence South $89^{\circ}-42'-00''$ West along the South line of said SE/4, SE/4 202.00'; thence North $0^{\circ}-07'-00''$ East 274.00' to the Southwest Corner of said Tract 2, "KRUGER TRACTS"; thence continuing North $0^{\circ}-07'-00''$ East along the West line of said Tract 2, "KRUGER TRACTS" a distance of 387.00' to the Northwest corner of said Tract 2, "KRUGER TRACTS"; thence North $65^{\circ}-44'-40''$ East along the North line of said Tract 2, "KRUGER TRACTS" 395.56'; thence continuing North $65^{\circ}-44'-40''$ East 54.84'; thence due North 77.73' to a point in the North line of said Tract 2, "KRUGER TRACTS"; thence North $89^{\circ}-42'-00''$ East along the North line of said Tract 2, "KRUGER TRACTS" 50.00'; thence due South along the East line of said Tract 2, "KRUGER TRACTS" 50.00'; thence North $89^{\circ}-42'-00''$ East along the North line of said Tract 2, "KRUGER TRACTS", a distance of 226.00' to the point of beginning, containing 10.269 acres, more or less.

PUD #190 (continued)

the Staff recommends APPROVAL of the request, per plot plan submitted.

On MOTION of HIGGINS, 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 a minor amendment to permit 6-foot side yards on Lot 10, Block 6, Minshall Park II, PUD #190.

PUD #179 Robert Elliott South side of East 71st Street and West of South Mingo Road

Consider request for detailed site plan approval of Woodland Office Condominiums, Lot 6, Block 2, El Paseo.

The Staff made the following report:

The applicant is requesting approval of Woodland Office Condos, a detailed site plan for development of Lot 6, Block 2, El Paseo Addition.

The PUD standards which are applicable and the proposed standards are listed below:

<u>Approved Standards</u>		<u>Proposed Setback</u>
Maximum Floor Area	109,000 sq. ft.	109,000 sq. ft.
Minimum Off-Street Parking Spaces	353	358
Minimum Open Space	107,899 sq. ft.	119,959 sq. ft.
Maximum Building Height	6 stories	2 stories
Use	Office/Commercial	Office
Minimum Width Buffer, South & East Boundaries	50 feet	30 feet plus

The only requirement that the applicant does not meet is the 50-foot open space buffer requirement along the south and east boundaries, a requirement for all such situated properties in the PUD. The 50-foot requirement was relaxed for McDonalds Restaurant tract on Memorial and the automatic car wash tract on 71st Street. The Staff believes the reduction in the width of the buffer strip to be minor in nature, given the reduction in building height (6 stories to 2 stories) and the proposed earth berms and landscaping plan.

Therefore, the Staff recommends APPROVAL of the detailed site plan, as per the standards listed on the site plan and, per the detailed landscaping plan submitted.

On MOTION of HIGGINS, 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 detailed site plan of Woodland Office Condominiums, Lot 6, Block 2, El Paseo.

PUD #117 Charles P. Gotwals, Jr. (Robert A. McNeil) South and West of the Southwest corner of 81st Street & Darlington Avenue

Consider Minor Amendment to approve 2 additional dwelling units to be placed within the building designated as "Office".

The Staff made the following report:

The applicants, owners of the Outrigger Apartments at 88th Street and South Lewis Avenue, are requesting to convert the present office building into 2 additional apartment units.

Since the RM-1 zoning would permit additional dwelling units and no additional buildings are requested, and since no additional parking or reduction in open space is required, the Staff considers the request to be minor in nature and, therefore, not required to advertise and hold additional public hearings.

The Staff recommends APPROVAL of the additional 2 dwelling units per request from Charles Gotwals, Jr., attorney, dated July 17, 1978 and per attached Exhibit "A".

Note: Reference - TMAPC Minutes March 31, 1976, for previous amendments to PUD #117.

Charles Gotwals presented the request for 2 additional dwelling units (Exhibit "L-1") and advised that he was in agreement with the Staff Recommendation.

On MOTION of HIGGINS, 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 minor amendment for 2 additional dwelling units to be placed within the building designated as "Office" on PUD #117.

PUD #207 Rick Smith 9718 South Lakewood Place

Consider minor amendment to permit 9½ foot side yard on lot of 10 feet, Lot 3, Block 4, Mill Creek Pond Addition.

A letter of request (Exhibit "M-1") for a minor amendment was presented.

The Staff advised that the subject lot is located at 9718 South Lakewood Place. The applicant is requesting a side yard amendment from 10 feet to 9½ feet. PUD #207 permits a zero side yard on one side and requires a minimum of 10 feet on the other side yard. The house is already built and a plat of survey revealed the shortage. The 1/2 foot variance is minor in nature and, accordingly the Staff recommends APPROVAL, per Plat of Survey submitted.

Note: Concrete patios which encroached on adjoining lot and pipeline easement have been removed and are not a part of this approval action by the TMAPC.

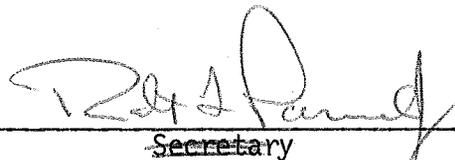
On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Eller, Holliday, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Higgins, Inhofe, Parmele, "absent") to permit 9½ foot side yard on lot of 10 feet, Lot 3, Block 4, Mill Creek Pond Addition, PUD #207.

There being no further business, the Chair adjourned the meeting at 3:50 p.m.

Date Approved August 19, 1981


Chairman

ATTEST:


Secretary
1st Vice-Chairman

