TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1384
Wednesday, November 25, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller	Holliday	Chisum	Jackere, Legal Department
Freeman	Parmele	Compton	
Gardner	Petty	Lasker	
Higgins	C. Young		
Kempe, 2nd Vice-Chairman	Inhofe		
T. Young			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, November 24, 1981, at 12:07 p.m., as well as in the Reception Area of the INCOG Offices.

Second Vice-Chairman Kempe called the meeting to order at 1:40 p.m. and declared a quorum present.

CONTINUED ZONING PUBLIC HEARING:

Z-5605 John Moody (Spann) 1/2 mile South of the SW corner of 91st Street and Memorial Drive AG to RS-3, RM-T and FD

A letter was presented from John Moody requesting that this application be withdrawn (Exhibit "A-1").

The Chair, without objection, withdrew the application.

Z-5636 Charles Norman (Hardesty) West of South Garnett Road and North of the Broken Arrow Expressway CS, OM to CO

This item was presented to the Board at the previous meeting with a mapping error. Mr. Compton advised that the legal description was correct, the case was advertised correctly and posted correctly. This was brought to the Board's attention for information only.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Parmele, Petty, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that this zoning application be approved in its entirety as advertised.

ZONING PUBLIC HEARING:

Application No. CZ-38 Present Zoning: RS
Applicant: Kelly Thomason (Wright) Proposed Zoning: CG
Location: 614 South 65th West Avenue

Date of Application: October 13, 1981
Date of Hearing: November 25, 1981
Size of Tract: 9.4 acres

Presentation to TMAPC by: Kelly Thomason
Address: 7501 South Juniper, Broken Arrow, Okla. Phone: 455-4732

Relationship to the Comprehensive Plan:

The District 10 Plan, a part of the Comprehensive Plan for the Tulsa Mettopolitan Area, designates the subject property Medium-Intensity -- Commercial.

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

Staff Recommendation:

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

The subject tract is 9.4 acres in size and located at the northeast corner of the intersection of 7th Street and 65th West Avenue. The tract contains several buildings, two mobile homes, a house, what appears to be an electric motor repair shop, and several accessory buildings. The tract is abutted on the north by a nonconforming light industrial use, to the east by several residences and a grocery store, to the south by vacant land, and to the west by several residences. The tract is zoned RS and the applicant is requesting CG zoning for a truck maintenance use.

The CG zoning is not in accordance with the Comprehensive Plan. It would be appropriate only in an area designated for more intense uses. The CS zoning is in accordance with the Comprehensive Plan, consistent with the surrounding zoning patterns and land uses, and would allow the proposed truck maintenance use by special exception.

Therefore the Staff recommends DENIAL of CG and APPROVAL of CS zoning.

Remarks:

The applicant was not present. T. Young stated he would like to hear the case if possible since there are interested parties.

Protestants: Mrs. Frenchie Loving Addresses: 432 South 51st West Avenue
Judy Ford 473 South 65th West Avenue

Protestant's Comments:

Mrs. Loving is the Chairman of the District 10 Planning Team and the Team is not in agreement with the application. There is no commercial zoning in the area, but there is a nonconforming use on the corner that is a grocery store. This tract is not in the proper location for commercial use because it is not a node and is not on a major thoroughfare. The main concern is retaining the residential identity in all of District 10 that

is possible. There is declining enrollment in the schools because the residential areas are being rezoned. There is nothing personal in this request for denial. However, this type of use is not very attractive with all of the equipment and spare parts on the property.

Judy Ford advised that this tract does look bad at this time. In the last few months, a lot of junk has been put on the lot, which is directly across from her home. She works with the school which is about 6 blocks away and there is declining enrollment. Her home is a new home and she had checked on the zoning before it was built to make sure there was no commercial.

T. Young stated that there is heavy traffic on the south side of the railroad tracks, but on the other side of the tracks, there is not much traffic. In his opinion, commercial zoning on the other side of 7th Street would be inappropriate. Mr. Compton advised that there is presently an electric motor repair shop in business and there is CS zoning across the street.

MOTION was made by T. Young, second by Freeman, to deny the application.

Discussion:

Higgins thought since there is commercial zoning across the street it would be difficult to develop this tract as residential. The neighborhood would be better off by letting a business come in than leaving the tract vacant.

T. Young disagreed because a commercial zoning category would set the possibility for expanded use beyond what presently exists.

Kempe interrupted to inform the Commission that the applicant had arrived and asked if the Commission would like to hear the applicant now.

Applicant's Comments:

Mr. Thomason, representing the applicant, stated they were informed that a CG zoning was needed to put in a shop to work on their own vehicles. Consequently, they thought the entire area should be included in the application. The main concern is to put one shop on the property to work on their own vehicles. He realizes the neighborhood is residential, but a lot of the residential is high-intensity and older homes. There is CS zoning in the area with a grocery store and railroad tracts across the street and a highway on the north side. His argument is that commercial zoning would lend itself to the neighborhood. At this time the applicant merely parks vehicles used in the oil fields on the property and he needs a place to work on these. He is not running an oil well servicing company and he is not running a business off the property. He has been leasing the property for three years and the owner, Mr. Wright, has agreed to the rezoning.

Mr. Jackere advised this would not be an expansion of a nonconforming use because the area was within the five-mile perimeter and the County merely adopted what was in place.

TMAPC Action: 6 members present

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

CZ-38 (continued)

A part of the SE/4 of the SE/4 of Section 6, Township 19 North, Range 12 East of the Indian Base and Meridian, described as follows:

Beginning at the SE corner of the said described above land; thence West 776.5'; thence North 561'; thence East 776.5'; thence South 561' to the point of beginning, in Tulsa County, Oklahoma.

Application No. Z-5641 Present Zoning: RS-1
Applicant: Osko (Spitzer) Proposed Zoning: OL
Location: East of the SE corner of 41st Street and Harvard Avenue

Date of Application: October 15, 1981
Date of Hearing: November 25, 1981
Size of Tract: 100' x 300'

Presentation to TMAPC by: Mr. A. J. Osko
Address: 5711 East 33rd Court Phone: 665-2866

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- Residential.

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

Staff Recommendation:

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

The subject tract is located east of the intersection of 41st Street and Harvard Avenue. It fronts and is south of 41st Street. The tract contains a residence as do the abutting tracts to the east, south and west. The tracts to the north contain a church and a day care center. Both of which are zoned RS-3. The tract is zoned RS-1 and those residences surrounding the tract on the east, south and west are also zoned RS-1. The applicant is requesting OL zoning for office use.

Approval of office zoning on the subject tract may lead to office zoning and development east on 41st Street to Patrick Henry Elementary School. Office zoning on the subject tract would "jump" an RM-2 Residential District, which has been established by the Plan Map for District 6 to buffer the RS-1 District. The requested OL zoning is also considered a buffer zoning, however, the Staff sees no reason to establish an additional buffer.

A precedent has been started by the action of the Board of Adjustment when it approved a home occupation exception on the adjacent lot to the east of the subject tract. A home occupation can be approved without a change in zoning, and the existing home occupation should not be used as a precedent to approve office zoning on the subject tract.

Based on these reasons, the Staff recommends upholding the Comprehensive Plan and DENIAL of the requested OL zoning.

Applicant's Comments:

Mr. Osko, Metro Realtors, met with District 6 two weeks ago to inform them he plans to convert the house on the subject tract into a real estate office. The front would be redesigned with long windows and formal door to look like a first class home. There will be a curved driveway in front and employee parking in the rear. He will design the elevation so the property will have a low profile. The point is that the mold has been formed in this area and he past around seven pictures showing the surrounding commercial properties (Exhibit "B-1"). Mr. Osko feels his proposed use

will enhance the area, since the house is being rented at this time and he would keep the property up-to-date. The proposed use would be a better buffer than 200 units of apartments. There is RM zoning on the next lot. There would only be five or six people coming to the office once or twice a day.

Protestants:	Ruth Richards	Addresses:	3732 East 47th Place
	J. W. McCarter		4141 South New Haven Place
	Clint Furrman		4135 South New Haven Place
	John K. Richards		4153 South New Haven Place

Protestant's Comments:

Ruth Richards, representing District 6, advised that the District 6 Steering Committee voted unanimously on November 10, to recommend denial, since the requested rezoning is not in accordance with the District 6 Plan. There has been no change in the physical aspect of the area, so they see no reason to deviate from the Plan. This would constitute spot zoning encroaching into a residential neighborhood and would set a precedent for office zoning. She was also concerned about the increase of traffic, which would be an added safety hazard for children going to school. The neighborhood cannot believe that office space cannot be found in an area already zoned for office.

J. W. McCarter advised that the Day Care Center is north of 41st Street and is run by the New Life Center Church and is not exposed to 41st Street. Actually, the Day Care Center is behind two church buildings that are on the north side of 41st Street and is a residence that was built many years ago. Mr. McCarter's main objection is that any change in the occupancy of this property may enhance the look of the property, but will cause devaluation of the surrounding properties.

Clint Furrman moved into the neighborhood because it was peaceful, quiet and had a smooth flow of traffic. He was concerned about the domino effect of spot zoning.

John Richards wished to remind the Commission of the problems on Harvard Avenue, between 41st and 51st Streets because of office zoning in a residential neighborhood. Traffic problems have been created already on 41st Street because of this development. This is the third time Mr. Richards has come to the Commission to protest rezoning in the area. Paul Heap also wished this area to remain residential.

Frank Morris presented a 41 signature letter in opposition (Exhibit "B-2") as well as a letter opposing the rezoning from District Chairman Robert Paddock (Exhibit "B-3").

Applicant's Comments:

Mr. Osko felt his proposal would help the neighborhood. He has done some developing in the City and is opposed to strip zoning. However, the property owners have to keep in mind that things change. There will be big companies wanting to rezone and develop the area as high-rises.

Instruments Submitted:		
	Pictures (7)	(Exhibit "B-1")
	41 Signatures of Petition in Opposition	(Exhibit "B-2")
	Letter of Opposition from Robert Paddock, District Chairman	(Exhibit "B-3")

Z-5641 (continued)

TMAPC Action: 6 members present

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

The West 100' of Lot 25, and the West 100' of Lot 26, Block 1, Villa Grove Heights #1 Addition to City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5642 Present Zoning: AG
Applicant: Don Pool (Shannon Construction Company) Proposed Zoning: RS-3
Location: South of 101st Street, between Sheridan Road and Yale Avenue

Date of Application: October 23, 1981
Date of Hearing: November 25, 1981
Size of Tract: 6.031 acres

Presentation to TMAPC by: Don Pool
Address: 1717 South Cheyenne Avenue Phone: 583-7040

Relationship to the Comprehensive Plan:

The District 26 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 RS-3 District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is 6 acres in size and located west of the intersection of 101st Street South and Sheridan Road. The tract is vacant as is the abutting properties to the south and west. To the north is a single-family subdivision and to the east is scattered single-family residences.

The land to the north is zoned RS-1, to the east RS-3, and to the south and west AG. The subject tract is zoned AG and the applicant is requesting RS-3 zoning for a residential use.

The Comprehensive Plan calls for the area of the subject tract to be in Special District I, Plateau Area. This District has been set aside for several reasons. A slope and soils study was done on this area resulting in its designation as a special area. Around the perimeter of the plateau, slopes of an average of fifteen (15) to twenty (20) percent occur, while the plateau is mostly flat with many depressional areas. The soils identified along the slopes and on the plateau are highly erodible. Both the slopes and the soils could cause many development problems. The Plan designates that this area must be protected from over development, or too quick and intense development. Either of which could cause severe problems to homes already in the area or those proposed in the future.

The Plan designates that the following occur in this Special District I:

a) Uses allowed shall be limited to those permitted in Use Unit 6, Single-Family Dwellings;

b) development intensities shall be consistent with the ability of the land to accommodate individual sanitary sewer systems; and

c) special care should be taken in the design and scheduling of development within the District. In particular, attention should be given to minimizing the disturbance of the natural vegetation and soil profiles due to the highly erosive nature of the soils.

The Staff can support the requested RS-3 zoning, but would recommend to both the T.A.C. and the Planning Commission that they specifically and carefully address the drainage and sewer problems that could occur on

this tract through the platting and subdivision process to insure that the completed project is consistent with the Comprehensive Plan.

Therefore, the Staff recommends APPROVAL of the requested RS-3 zoning.

Applicant's Comments:

Mr. Pool stated that at the time the zoning came to his attention, there was a time constraint to get the application on the agenda. Therefore, he has not had a chance to investigate the history of the tract and would request a continuance. Mr. Pool was under the impression this was in a sump area that falls into a Special District 2 category, and does not feel qualified to address the Board at this time. He wishes to continue for a week in order to have time to confer with the Staff.

TMAPC Action: 6 members present.

On MOTION of FREEMAN, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, T. Young "aye": no "nays"; no "abstentions"; Holliday, Parmele, Petty, C. Young, Inhofe, "absent") to continue this matter to December 2, 1981, 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5643 Michael C. Walker SE corner of 21st Street and 120th East Avenue
RD to OL

Mr. Walker requested this application be continued in order to discuss it with the Staff and to discuss any problems with potential protestants.

TMAPC Action: 6 members present.

On MOTION of ELLER, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Parmele, Petty, C. Young, Inhofe, "absent") to continue the above application to December 9, 1981, at 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5644 Present Zoning: AG & FD
Applicant: Wilkinson (Woods) Proposed Zoning: AG, IL, & FD
Location: South and East of Pine Street and Mingo Road

Date of Application: October 23, 1981
Date of Hearing: November 25, 1981
Size of Tract: 2.15 acres

Presentation to TMAPC by: Bill Wilkinson
Address: 3500 West El Paso, Broken Arrow, Okla. Phone: 252-9385

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The Staff recommends DENIAL of CG and APPROVAL of IL and FD zoning, for the following reasons:

The subject tract is located just north of the Crosstown Expressway frontage on Mingo Road and backing up to Mingo Creek. The tract is vacant, except for a mobile home on that portion with frontage on Mingo Road. The land abutting to the north and east is vacant, to the south is a Public Service substation and to the west various commercial and industrial uses.

The subject tract is zoned AG, as is the land to the north. The land to the east is zoned IL, while the properties to the northwest, west and southwest are zoned CS, CH and IL. The applicant is requesting CG, IL and FD zoning for an automotive industrial use. Given the surrounding land uses and zoning patterns and the proposed use for the tract, the Staff cannot support the CG zoning requested, but can support the IL zoning. However, it has been identified that the tract is in a potential Floodway District.

Therefore, the Staff recommends APPROVAL of IL on that portion of the tract not designated as being in the Floodway and FD on the remainder.

Applicant's Comments:

Bill Wilkinson, a developer, advised he does have a client interested in light industrial, which is the zoning on the tracts north of Pine Street and to the east. This is close to the airport and there is interest in machine shops, etc. He is aware of the floodplain. A car dealer was interested in the front of the property which is the reason for the request for commercial on Mingo Road. There is commercial across the street and P.S.O. has a substation in the area. The only two abutting property owners were in favor of the rezoning.

Interested Party: John Taylor Address: 2905 East Elm Place, Broken Arrow

Interested Party's Comments:

John Taylor owns 2½ acres in the area that includes boat storage. The residents have been trying to get a sewer district for the past two or three years. He would like to see this development and would like to be able to tap into the sewer.

Z-5644 (continued)

Mr. Compton stated that the Engineering Department would have to define the floodplain area more specifically and Mr. Jackere advised that before the applicant could receive a building permit, he would have to define the area. T. Young wanted a more defined line for the floodplain to see if the car dealership could be accommodated. Mr. Jackere explained that a special exception would be needed on either IL or CS zoning for a car dealership.

Applicant's Comments:

T. Young recognized Mr. Wilkinson. The former owner made an agreement with the City of Tulsa and the land has been raised three feet above the floodplain. This was done when the City was widening Mingo Creek.

MOTION was made by Eller, seconded by Gardner, to approve the rezoning request.

Discussion:

Higgins felt the motion should be amended to designate how much of the tract would be CG. T. Young thought this was advertised in the alternative because the applicant wanted one of the zonings listed. He stated that all the uses proposed by the applicant are possible in the IL category, which is consistent with the surrounding areas. From what the applicant has stated, he can provide documentation to take the tract out of the floodplain which would give him IL on the entire tract. Then he could seek an exception from the Board of Adjustment for the car dealership.

SUBSTITUTE MOTION:

Substitute MOTION was made by T. Young, SECOND by Freeman, to approve the Staff Recommendation of IL, except for that portion in the floodplain to be FD.

Discussion:

Higgins felt that if the CG were applicable, this should be approved instead of making him apply to the Board of Adjustment for an exception, since there is CH, CG and CS across the street. T. Young thought the Board should be cautious about zoning property CG because the category is so wide open. He is not opposed to commercial use, but could not support CG.

MOTION by Eller to approve the rezoning request was withdrawn.

TMAPC Action: 6 members present.

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

The E/2, SW/4, NW/4 and the N/2 of the SW/4 of the SW/4 of the NW/4 All in Section 31, Township 20 North, Range 14 East, containing 25 acres, more or less.

Application No. Z-5645 Present Zoning: RM-2
Applicant: Roy Johnsen (McCartney) Proposed Zoning: CS
Location: North of the NE corner of 61st Street and Lewis Avenue

Date of Application: October 23, 1981
Date of Hearing: November 25, 1981
Size of Tract: 1.5 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 Medium-Intensity--Residential.

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

Staff Recommendation:

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

The subject tract is mostly vacant, except for a residence on the northern boundary. The tract is abutted to the north and west by commercial and multifamily uses. The land to the south and west of the tract is occupied by an office building.

The tract is zoned RM-2 as are the properties north of the tract. To the west, properties are zoned CS and to the south and east the zoning is OM. The applicant is requesting CS zoning.

The CS zoning is not in accordance with the Comprehensive Plan. The tract has been designated as Medium-Intensity -- Residential, but given the physical constraints of the site it would be difficult to ecomomically develop a residential use. In addition, the zoning patterns indicate that the majority of the surrounding area is zoned CS. The Staff views this tract as one of those special cases where the Plan is no longer appropriate because of the evolutionary changes that have occurred since it developed.

Therefore, the Staff can recommend for APPROVAL the requested CS zoning.

The Staff would like to note that the subject tract will be difficult to develop without further complicating an existing traffic circulation problem in the area, and would recommend to the applicant a joint venture, with the CS properties adjacent to the north, to solve ingress and egress problems.

Applicant's Comments:

Roy Johnsen represented the applicant. As the Commission is aware, the basic character of the surrounding properties is of a CS nature. To the immediate west across Lewis, the entire area is zoned CS. Immediately north is a CS District with a convenience center in place. There is a new service station under construction just north of 59th Street. The subject property is a small tract sandwiched between existing CS zonings. When the Plan was prepared, the existing zoning patterns were used and

the subject property happened to be zoned RM-2. The merits of the application seem to be apparent with the existing zoning and land use that surround the property.

Protestants: Fay Fairbrother Address: 2501 East 61st Street

Protestant's Comments:
Fay Fairbrother is the manager of South Shore Condominiums and represented the homeowners and the Board of Administrators. The condominium complex is immediately east of the Southern Hills Complex and across the street from Southern Hills Country Club. The reason for their protest is because of the traffic situation now existing. She feels that the traffic prohibits the addition of a commercial shopping center at any point on Lewis. The situation is already dangerous and hazardous. Another property in the area was denied by the Commission due to ingress and egress. There is only one access to this property due to Joe Creek. As manager of the complex, she has had to aid in several traffic accidents which have occurred in front of the complex, or at the corner of 61st Street and Lewis Avenue. The London Square Shopping Center creates a dangerous situation and adding one across the street would make it worse.

Applicant's Comments:
Mr. Johnsen recognized Ms. Fairbrother's concern about the traffic, but this is a small tract and is designated by the Plan for medium intensity. He did not feel the Commission could select this tract to be denied and thereby suggest that the property not have available to it the uses that have been made by surrounding properties. The condominium complex is across Joe Creek from the subject property and their access is derived from 61st Street. It is not a Lewis Avenue property and truly does not abut the subject property. The nature of the property is retail and totally justified by the existing uses and zoning pattern.

T. Young asked what type of use would be made of the property and Roy Johnsen replied that a restaurant is planned. The map is misleading because the tract will be less in net configuration than shown because of Joe Creek. There is a fence along the channel. There will be quite a usuable tract but it will be a one-user tract. Between the north boundary of this property and the south boundary of the apartment complex there is a screening fence. There is no connection to the two properties. The property will have approximately 162' of frontage and will be almost a right-angle triangle shape.

TMAPC Action: 6 members present.
On MOTION of T. YOUNG, the Palnning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Parmele, Petty, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved CS, per Staff Recommendations:

Lots 1 and 2, Block 2, L & M Square Addition, being a corrected and amended plat of Plat No. 2567, filed January 7, 1965, under the name and description of "Resubdivision of Lot 1 (Original) Sixty-First & Lewis Addition in Section 32, Township 19 North, Range 13 East, Tulsa County, Oklahoma," and Said L & M Square Addition also being a Resubdivision of the hereby corrected Lots 1 and 2 of Said Plat No. 2567; AND

Z-5645 (continued)

All that portion of Lots 1 and 2 of the Resubdivision of Lots 2 and 3, Sixty-First and Lewis Addition to the City of Tulsa, Tulsa County, State of Oklahoma, described as follows:

Lot 1 - All that portion of Lot 1 lying North of a line described as follows: Beginning at a point which is on the West line of Lot 1 and 80 feet South of the Northwest corner of Said Lot 1; thence in a Northeasterly direction to a point which is on the East line of Said Lot 1 and 60.5 feet South of the Northeast corner of Lot 1. Lot 2 - All that portion of Lot 2 lying North of a line described as follows: Beginning at a point which is on the west line of Lot 2 and 60.5 feet South of the Northwest corner of said Lot 2; thence in a Northeasterly direction to the Northeast corner of Lot 2.

Application No. Z-5646 Present Zoning: OL
Applicant: Wilkinson (Cousins) Proposed Zoning: CS
Location: East of the NE corner of 21st Street and Memorial Drive

Date of Application: October 25, 1981
Date of Hearing: November 25, 1981
Size of Tract: 4.3 acres

Presentation to TMAPC by: Bill Wilkinson
Address: 3500 West El Paso, Broken Arrow, Okla. Phone: 252-9385

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low-Intensity -- Residential, on the north-half and Low-Intensity -- No Specific Land Use on the south-half.

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

Staff Recommendation:

The subject tract is 4.3 acres in size and located east of the intersection of 21st Street and Memorial Drive. It has double frontage on 21st Street and 19th Street. The tract is vacant and abutted on the west by a residence on an OL zoned lot. To the north is single-family residences and a child care center located on RS-1 and RS-2 zoned land. To the east is a residence on RS-1 zoned land and vacant land zoned OL. The properties to the south are zoned RS-1; one is vacant, the other contains a single-family residence. The applicant is requesting CS zoning for a commercial use.

The CS zoning is not in accordance with the Comprehensive Plan and if approved, would "jump" an existing OL zoned buffer to the east of the subject tract. In addition, approval would set a precedent for the commercial strip zoning on 21st Street to the east.

This area has had a long history and the Planning Commission has already set the precedent of maintaining either side of 21st Street in a Zoning District no more intense than OL, thereby buffering the interior residential. This precedent is consistent with the Comprehensive Plan and the Staff can see no reason to support a change.

Therefore, the Staff recommends DENIAL of the requested CS zoning.

Applicant's Comments:

Mr. Wilkinson advised that there is 10 acres of commercial on the corner of 21st Street and Memorial Drive that contains a Skaggs Store and that he is next to that store. He has a client wanting to put in a business to rent hospital equipment which would require a small portion of commercial space with a warehouse. He also has a client that manufactures tortillas that would require the same zoning. This would be a continuation of the commercial in the area. The City Engineering Department has set aside money to widen 21st Street so it will soon be a 4-lane street.

Protestant: Jeff McManis Address: 1814 South 84th East Avenue

Z-5646 (continued)

Protestant's Comments:

Jeff McManis strongly recommended denial for the Staff's reasons.

Applicant's Comments:

Mr. Wilkinson wanted to add that the Skaggs Store is open 24 hours with bright lights. A nice, new showroom building would be an added feature. There is access to 21st Street, so would not create any traffic problems. He feels the property warrants some commercial.

Mr. Compton pointed out that there is a vacant lot zoned OL to the west of the property between the subject tract and Skaggs Store.

TMAPC Action: 6 members present.

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

The West 322.5' of the E/2 of Block 9, O'Conner Park, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, containing 4.338 acres, more or less.

Application No. PUD 272 Present Zoning: CS, RM-1
Applicant: Roy Johnsen (Wallace)
Location: West of the SW corner of 81st Street and Sheridan Road

Date of Application: October 23, 1981
Date of Hearing: November 25, 1981
Size of Tract: 2.04 acres

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

Staff Recommendation:

Planned Unit Development #272 is 2.04 acres in size and located just east of the intersection of 81st Street and Sheridan Road. The subject tract is vacant, as is the land west and south of the tract, though a condominium project is pending on this land. To the north is a multifamily residential apartment development and a proposed commercial area. To the east, at the corner of 81st Street and Sheridan Road, is a self-service gasoline facility and to the southeast is scattered residential.

The underlying zoning on the subject tract is CS and RM-0. The applicant is proposing to incorporate these to zonings under a PUD Supplemental zoning to develop a small office area and shopping center with shared access.

The Staff reviewed the applicant's PUD proposal and find that PUD #272:

1) Is consistent with the Comprehensive Plan;
2) harmonizes with the existing and expected development of the surrounding area;
3) is a unified treatment of the development possibilities of the project site; and
4) is consistent with the stated purposes and standards of the PUD Chapter of the Tulsa Zoning Code.

Therefore the Staff recommends APPROVAL of PUD #272, subject to the following conditions:

(1) Development Standards

A. Development Area "A" - Shopping Area

Area	62,074 square feet
Permitted Uses	As permitted within a CS District
Maximum Floor Area	14,400 square feet
Minimum Landscaped Open Space	8% of net
Maximum Stories	2
Maximum Height	26 feet
Minimum Setback of Building from Arterial Street	50 feet
Minimum Setback of Building from South Boundary	15 feet

Off-Street Parking and Loading Requirements	As per Section 1214.4 of the Zoning Code of Tulsa, Oklahoma.
Other Bulk and Area Requirements	As provided within a CS District.

Signs, Shopping

Signs accessory to uses within the shopping development area shall comply with the restrictions of the PUD Ordinance and the following additional restrictions.

Shopping Area Ground Signs

81st Street Frontage	1
Heights above grade of abutting Street	20 feet
Maximum Display Surface Area of Any Ground Sign	128 square feet
Setback from Abutting Residential Area	100 feet

Shopping Area Wall or Canopy Signs

Aggregate Display Surface Area limited to 1 & 1/2 square feet per each lineal-foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

B. Development Area "B" - Office Development

Gross Area	26,860 square feet
Permitted Uses	As permitted within an OM District
Maximum Floor Area	8,200 square feet
Minimum Landscaped Open Space	18% of net
Maximum Stories	2
Maximum Height	26 feet
Minimum Setback of Buildings From South Property Line	10 feet
Minimum Setback of Buildings From West Property Line	50 feet
Minimum Setback of Buildings From Abutting Streets	50 feet
Off-Street Parking and Loading	As per Section 1214.4 of the Tulsa Zoning Code

Other Bulk and Area Requirements	As provided within an OL District

Signs, Office

Signs accessory to uses within the Office development area shall comply with the restrictions of the PUD Ordinance and the following additional restrictions.

Office Area Ground Signs

81st Street Frontage	1 monument
Heights above grade of abutting Street	8 feet
Maximum Display Surface Area of Any Ground Sign	32 square feet
Setback from Abutting Residential Area	30 feet

Office Area Wall or Canopy Signs

Aggregate Display Surface Area limited to 1 square-foot per lineal-foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

(2) That the applicant's site and development plans be conditions of approval as being representative of the design and character of the development.

(3) That no building permit shall be issued until a detailed site plan of the proposed development shall have been submitted to and approved by the TMAPC.

(4) That a detailed landscape plan be approved prior to occupancy of the building, including a screening fence along the west and south boundaries of the project, final landscape and plant materials to be used, and plant locations.

(5) That no building permit shall be issued until the property has been included within a subdivision plat submitted to and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants and PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

The Staff would like to express its concern about the location of the driveway on the west side of the property. Its relationship to the existing entry serving the multifamily development abutting on the north, could cause future traffic problems. We would ask the Traffic Engineer to carefully review this during the platting process.

Roy Johnsen represented the applicant and agreed with the Staff Recommendation and conditions. Dr. Moore is a nearby property owner and Mr. Johnsen has explained to him the nature of the planned unit development.

PUD #272 (continued)

Interested Party: Dr. Edward L. Moore Address: 1818 East 42nd Street

Interested Party's Comments:

Dr. Moore stated that he did not receive a notice because his 35 acres are about 310 feet away from the subject tract, but was interested in what was being proposed. He has no protest to the application since he has discussed this with Mr. Johnsen.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, T. Young, "aye"; no "nays"; no "abstentions; Holliday, Parmele, Petty, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, per Staff Recommendation and conditions:

A tract of land in the NE/4 of the NE/4 of Section 15, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows:

Beginning at a point on the North line of Said Section 15, which is 200' West of the NE corner of Section 15; thence West along the Section line a distance of 321.77'; thence South parallel to the East line of Section 15, a distance of 417.42'; thence East parallel to the North line of Section 15, a distance of 104.35'; thence North parallel to the East line of Section 15, a distance of 208.71'; thence East parallel to the North line of Section 15, a distance of 217.42'; thence North parallel to the East line of Section 15, a distance of 208.71' to the Point of Beginning.

SUBDIVISIONS:

For Final Approval and Release:

Blackwell-Crockett (3293) NE corner of 57th Street and South Lewis (OL)
Cedarcrest Park (1783) NE corner of 90th Street and South Delaware (RM-T)
Executive Center (983) SW corner of 71st Street and Yale Avenue (OM)

The Chair, without objection, tabled the above items.

Morton View (2014) North and East of 86th Street North and Highway #169 (CG)

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

There being no further business before the Commission, the Chair adjourned the meeting at 3:20 p.m.

Date Approved December 16, 1981

Chairman

ATTEST:

Secretary