

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1398
Wednesday, March 10, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Higgins Holliday, 2nd Vice- Chairman Kempe, 1st Vice- Chairman Parmele, Chairman Petty, Secretary Rice Young	Freeman Gardner Hinkle Inhofe	Chisum Compton Gardner	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, March 9, 1982, at 1:15 p.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to approve the minutes of February 24, 1982 (No. 1396).

REPORTS:

Report of Receipts and Deposits:

On MOTION of HOLLIDAY, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to approve the Report of Receipts and Deposits for the month of February, 1982.

SUBDIVISIONS:

For Final Approval and Release:

The Enclave (PUD #166) (2383) 91st Street and South 69th East Avenue
(RM-1, RS-3)

Motel Six First (594) North and East of 11th Street and Garnett Road
(CS)

The Chair, without objection, tabled these items.

ZONING PUBLIC HEARING:

Application No. Z-5668 Present Zoning: RS-2
Applicant: R. Morgan (Coccioli) Proposed Zoning: CS
Location: North of the NW corner of 11th Street and 129th East Avenue

Date of Application: January 26, 1982
Date of Hearing: March 10, 1982
Size of Tract: 2.5 acres

Presentation to TMAPC by: Gino Coccioli
Address: 940 South 129th East Avenue

Phone: 438-1376

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 and Low Intensity -- No Specific Land Use, Special District 1, and Potential Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is, or may be found in accordance with the Plan Map on the south-half of the tract and is not in accordance with the Plan Map on the north-half of the tract.

The subject tract is located approximately 200' north of the northwest corner of 129th East Avenue and 11th Street South. It is mostly vacant, except for a single-family residence on the southern portion. The abutting tracts to the north and west contain residences. The tract to the east is vacant and the tracts to the south contain a residence and several commercial uses. The land to the south is zoned CS and OL. The subject tract is zoned RS-2, as is the surrounding land to the east, north and west.

The Comprehensive Plan has designated the subject tract for several possible uses. The north-half of the tract has been designated Low Intensity -- No Specific Land Use and Corridor, and the south-half has been designated Medium Intensity -- No Specific Land Use, Special District 1, and Corridor. The reason the south-half of the tract can be found in accordance with the Plan Map is because that portion of the tract falls within the Development Guidelines' strict definition of a Node. However, the Guidelines also point out that when interpreting its intent, one should consider what is physically occurring on and around the tract. The Staff's investigation on this case and on case Z-5242, which was a CS request on the subject tract, indicates that the amount of strip commercial zoning already existing on 11th Street would negate the need for a full 5-acre Node at this intersection. Both the Special District and Corridor designation call for well-planned developments with internal circulation system. Plus, the Corridor District has been established for higher intensity development but prohibits strip commercial.

Therefore the Staff cannot support the requested CS zoning and recommends DENIAL.

Protestants: None.

Applicant's Comments:

Mr. Gino Coccioli applied for the zoning because he cannot do anything else with the land. The traffic past this tract is heavy, which would make it difficult for anyone to build a home. Tulsa Boats would like to put a building on this tract. The builder for Tulsa Boats is out of town so he could not make this meeting.

Commissioner Higgins asked what was on the lot next to the subject tract and Mr. Coccioli replied there is a house on the south side, but the property is zoned commercial. The land to the north contains a home with a small business. Most of the lots in this area contain some type of conforming or nonconforming business.

Mr. Gardner explained this is a familiar problem, trying to decide whether or not to strip out the street. If more than 300 feet on the front is zoned commercial, there is no way development can be stopped. The commercial zoning could stretch north to the expressway. Chairman Parmele asked if the commercial could be contained within the node and Mr. Gardner replied the tract across the street would then be committed to commercial zoning up to the node, following the Guidelines. The minutes could reflect that the commercial is to be contained within the node. The Comprehensive Plan shows a 5-acre node on each corner and the two southern corners would meet the 5-acres. At the two northern corners, the line has been cut off at about 300 feet instead of 467 feet. The Staff has made a statement in previous recommendations not to support additional commercial because it would begin a stripping effect north and because of the amount of commercial already on 11th Street. This particular area has no sewer. Eventually, this area will be redeveloped and the sewer will be extended; however, other uses may develop by that time. The majority of the land is still residential.

Chairman Parmele suggested following the node concept which is being done in other developing areas of town.

MOTION was made by Commissioner Young, SECOND by Commissioner Higgins, to approve this application, typing this to the node concept, on the basis there is commercial in the area, there are no protests, and the applicant has a definite use for the property.

Special Discussion for the Record:

Commissioner Petty asked if the motion would include the entire tract or wherever the node boundary would be. Mr. Gardner advised this would probably be 137 feet or approximately the south-half of the property.

Commissioner Young further specified that the north-half of the property remain RS-2.

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to recommend to the Board of City Commissioners that the south one-half of the following described property be rezoned CS with the north one-half to remain RS-2:

Z-5668 (continued)

The NE/4 of the SE/4 of the SE/4 of the SE/4 in Section 5, Township 19, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

Application No. Z-5669

Present Zoning: AG

Applicant: Charles Norman (Mayo)

Proposed Zoning: IR

Location: North of Broken Arrow Expressway and West of South 129th East Ave.

Date of Application: January 27, 1982

Date of Hearing: March 10, 1982

Size of Tract: 50 acres, more or less

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building, 74103

Phone: 583-7571

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2-- Industrial Development.

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

Staff Recommendation:

The subject tract is located northwest of the northwest corner of 51st Street South and 129th East Avenue. It is mostly vacant and is surrounded by mostly vacant land. It is abutted on the north by IR zoning, on the west by IR and IL zoning, on the south by IL and CS zoning, and on the east by CS and IR zoning.

The tract is designated Special District 2, which is an area where industrial research development is encouraged and the requested IR zoning may be found in accordance with the Comprehensive Plan. In this case, the surrounding land uses and the existing zoning patterns support the IR zoning District.

Therefore, the Staff recommends APPROVAL of the requested IR zoning.

Protestants: None.

Interested Party: Mr. Charles Gotwals, representative from Metro Life Insurance Company, Fourth National Building.

Interested Party Comments:

Mr. Charles Gotwals, representing the Metropolitan Life Insurance Company, was present as an interested party.

Applicant's Comments:

Mr. Norman explained this tract is part of the Mayo Farm, which existed for more than 50-years. This entire parcel has been acquired by First Home Service Corporation, the development subsidiary of Sooner Federal. There have been announced plans this will become the location of the home office for Sooner Federal, as well as other related and similar office-type uses. He requested the Commission approve the Staff Recommendation.

TMAPC Action: 7 members present.

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

Z-5669 (continued)

All that part of the S/2 of the SE/4, lying Northerly of the Broken Arrow Expressway, located in Section 29, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official U. S. Government Survey thereof; more particularly described as follows, to-wit:

Beginning at the Northeast corner of said S/2, SE/4; thence South $0^{\circ}-04'-14''$ West along the East Boundary of said S/2, SE/4 a distance of 512.47' to a point 808.33' from the Southeast corner thereof; thence North $89^{\circ}-54'-01''$ West parallel to the South Boundary of said S/2, SE/4 a distance of 800.00'; thence South $0^{\circ}-04'-14''$ West parallel to the East Boundary of said S/2, SE/4 a distance of 758.33' to a point 50.00' from the South Boundary thereof; thence North $89^{\circ}-54'-01''$ West parallel to the South Boundary of said S/2, SE/4 a distance of 13.90 feet to a point in the Northerly Right-of-Way line of the Broken Arrow Expressway; thence along the Northerly Right-of-Way line of the Broken Arrow Expressway as follows:

North $58^{\circ}-53'-31''$ West a distance of 337.486'; thence North $66^{\circ}-21'-31''$ West a distance of 1,214.70'; thence North $61^{\circ}-41'-18''$ West a distance of 0.00'; thence on a curve to the left having a radius of 21,585.92' a distance of 477.42' to a point in the West Boundary of said S/2, SE/4 930.04' from the Southwest corner thereof; thence North $0^{\circ}-02'-15''$ East along the West Boundary of said S/2, SE/4 a distance of 391.24' to the Northwest corner thereof; thence South $89^{\circ}-53'-23''$ East along the North Boundary of said S/2, SE/4 a distance of 2,639.69' to the point of beginning.

Application No. Z-5670 Present Zoning: RS-3
Applicant: Thomas H. Gay, III Proposed Zoning: IL & FD
Location: NW corner of 58th Street and Mingo Road

Date of Application: January 28, 1982
Date of Hearing: March 10, 1982
Size of Tract: 1-acre, more or less

Presentation to TMAPC by: Thomas H. Gay, III
Address: 5656 South Mingo Road Phone: 252-2472

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located on the northwest corner of East 58th Street South and South Mingo Road. The tract is abutted on the north and west by single-family residences, on the east by several light industrial structures, and on the south by a single-family residence used as a beauty shop. The land on the north and east is zoned IL and the subject tract is zoned RS-3, as is the land to the south and west. The applicant is requesting IL zoning.

The subject tract has been designated Low Intensity -- Residential and Development Sensitive and the requested IL zoning is inconsistent with the Comprehensive Plan. However, given the existing land uses and zoning patterns in the surrounding area and the fact that the IL zoning District line has been broken by the IL zoning abutting the subject tract on the north, the Staff can support the requested zoning.

Therefore, the Staff recommends APPROVAL of the requested IL zoning, except on that portion of the tract identified by the applicant or his engineer as being FD Floodway.

Applicant's Comments:

Thomas Gay was present but had no comments.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL, EXCEPT on that portion of the tract identified by the applicant or his engineer as being FD Floodway.

Lot 6, and the East 115' of Lot 7, Block 1, Anderson Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

PUD #281 Charles E. Norman (CMEI) South of East 61st Street and West of
South Mingo Road (RM-1 and RS-3)

Charles Norman was present and advised that the applicant and the attorney for the interested property owners, Mr. Haden Crawford, have had several conversations concerning this application. A meeting is planned with representatives from the Burning Tree Homeowner's Association and Mr. Norman requested this be continued until a meeting can be held. He requested at least a three-week continuance.

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to continue consideration of PUD #281 until April 7, 1982.

PUD #179-I Charles Norman (Guardian Development) South of 71st Street and
West of South Mingo Road (RM-0, RM-1 and RS-3)

Mr. Norman explained a request was not filed timely to continue this item, but his client is in the closing states of negotiations to sell part of this property. The buyer would like time to review the proposed amendment to the PUD. He requested consideration of this item be continued until April 7, 1982.

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to continue consideration of PUD #179-I until April 7, 1982.

Application No. Z-5444 SP-1
Applicant: Ronald Smith (Williams Realty)
Location: 41st Street and Garnett Road

Present Zoning: (C0)

Date of Application: August 11, 1980
Date of Hearing: March 10, 1982
Size of Tract: 7.12 acres

Presentation to TMAPC by: Ronald Smith
Address: 1501 North Classen Boulevard, Suite 300 Phone: 405/521-9197
Oklahoma City, Oklahoma 73106

Staff Recommendation:

The subject tract is located 1,000 feet west of the southwest corner of the intersection of 41st Street South and Garnett Road. The tract is approximately 7 acres in size and vacant. It is zoned C0 and the applicant is requesting Site Plan approval for a proposed hotel complex and related uses.

The Staff can support the location and orientation of the building and internal uses, loading dock area, plaza and open space areas, parking, and entry drives as per the Site Plan, given the following conditions:

1. That the applicant's Site Plan and Design Concept be made conditions of approval.
2. That the hotel tower not exceed 110 feet in height and the remaining portions of the complex not exceed 1-story in height.
3. That the floor area not exceed 197,234 square feet.
4. That the maximum number of guest rooms not exceed 306.
5. That the minimum lot area be 310,135 square feet.
6. That the maximum building coverage be 66,538 square feet.
7. That the parking provided shall not be less than 464 spaces.
8. That the identification sign be as located on Site Plan and conform to conditions as set forth in Section 820.2 (c) of the Zoning Code.
9. That setbacks be as follows:

*From centerline of 41st Street	150'
From west property line	65'
From south property line	135'
From east property line	120'

*The Board of Adjustment gave a variance of the setback from 300' to 150' for the main portion of the building and 300' for the center of the hotel tower based on the Zoning Code changes as recommended by the TMAPC and recently approved by the City Commission.

The Staff can also support the general landscaping as per the Site Plan, given the following conditions:

Z-5444 SP-1 (continued)

1. That the installation of new plant and landscape materials shall be not less than that graphically illustrated by the Site Plan.
2. That a 6-foot screening fence be in place prior to occupancy along the south property line and the south 180' of the east property line.

Given the above conditions, the Staff recommends APPROVAL of Z-5444 (SP-1) Site Plan No. 1.

Applicant's Comments:

Ronald Smith of Glover, Smith, Nixon, Bode, Inc., Oklahoma City, was present on behalf of Marriott Corporation in Washington, D. C. They have worked with the Staff on this plan but some of the critical dimensions and square footages have changed during the final design development of the project as follows:

2. That the tower height be changed from 110 feet to 116 feet.
3. That the floor area be changed from 197,234 square feet to 204,552 square feet.
6. That the maximum building coverage be changed from 66,538 square feet to 66,652 square feet.
7. That the parking be changed because the landscaping is to be increased from what is shown on the plan, which would necessitate losing a few parking spaces. The required parking for the project would be 386 spaces and he asked that the Staff Recommendation be changed to require only the 386 spaces instead of the 464 spaces. At the time the site plan was submitted, the landscape architect was not involved.
9. That the setbacks be changed on the south property line from 135 feet to 120 feet and on the east property line from 120 feet to 80 feet.

Mr. Gardner requested this be continued one week so the Staff could review the new site plan. The Staff has calculated the conditions according to the site plan that was submitted and thought the parking was a little short to begin with, but, after checking with the Building Inspector, the hallways and common areas were omitted in the calculations. The only parking included besides the one per hotel room is basically for the restaurant, and there are also convention areas and ballroom areas.

Mr. Smith explained the parking situation could be accepted at 464 spaces. The change was merely to add more landscaping. Mr. Gardner stated that the Staff could not recommended approval of a site plan they had not seen.

On MOTION of HOLLIDAY, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to continue this item for one week for Staff review of a new site plan.

Later in the meeting, on MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young "aye"; no

Z-5444 SP-1 (continued)

"nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to consider the site plan review for Z-5444.

The meeting recessed for approximately 15 minutes for the Staff to discuss the changes requested by the applicants. Mr. Gardner advised that the Staff can support the following amendments to the Staff Recommendation:

- Item 2. That the hotel tower not exceed 116 feet in height and the remaining portions of the complex not exceed 1-story in height.
- Item 3. That the floor area not exceed 204,552 square feet.
- Item 6. That the maximum building coverage be 66,652 square feet.
- Item 7. That the parking provided shall not be less than 450 spaces.
- Item 9. That setbacks be as follows:

From south property line 130'.

These changes are acceptable to the Staff and to the applicant.

Protestants: None.

Instruments Submitted: Site Plan (Exhibit "A-1")

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to recommend to the Board of City Commissioners that the Site Plan be approved, subject to the amended Staff Recommendation on the following described property:

A tract of land, containing 7.1142 acres, that is part of the NE/4 of Section 30, Township 19 North, Range 14 East, Tulsa County, Oklahoma, said tract of land being described as follows, to wit:

Starting at the northeast corner of said Section 30; thence North $89^{\circ}-56'-28''$ West along the Northerly line of Section 30 for 750.85'; thence South $00^{\circ}-08'-29''$ West for 50.00' to the "Point of Beginning" of said tract of land; thence continuing South $00^{\circ}-08'-29''$ West for 580.12' to a point, said point being the Northeast corner of Lot 1 in Block 1 of "Towne Centre II", a subdivision in the City of Tulsa; thence North $89^{\circ}-57'-04''$ West along the Northerly line of Lot 1 in Block 1 of "Towne Centre II" for 534.15' to the Northwest corner of said Lot 1; thence North $00^{\circ}-08'-29''$ East along the Easterly line of Lot 2 in said Block 1 for 180.00' to the Northeast corner of Lot 2 in said Block 1; thence continuing North $00^{\circ}-08'-29''$ East for 400.21' to a point, said point being 50.00' Southerly of the Northerly line of Section 30; thence South $89^{\circ}-56'-28''$ East and parallel to the Northerly line of Section 30 for 534.15' to the "Point of Beginning" of said tract of land.

Application No. Z-5671
Applicant: Fitzwater (Baker)
Location: 1333 East 60th Street

Present Zoning: RS-3
Proposed Zoning: RM-2

Date of Application: January 29, 1982
Date of Hearing: March 10, 1982
Size of Tract: 1.03 acres

Presentation to TMAPC by: Ed Parks
Address: 5553 South Peoria Avenue

Phone: 749-7568

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 RM-2 District is in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located approximately 400 feet east of the north-east corner of 60th Street and South Peoria Avenue. The tract contains one single-family residence and is abutted on the east, north and west by single-family residences. To the south the tract is abutted by a multifamily complex. The subject tract is zoned RS-3, as is the tracts to the east and west. The tracts to the north and south are zoned RM-2.

The subject tract is designated Medium Intensity -- Residential and is in accordance with the Comprehensive Plan. In addition, the existing land uses and zoning patterns support the requested zoning and it will serve as a buffer for the less intense interior residential uses.

Therefore the Staff recommends APPROVAL of the requested RM-2 zoning.

Applicant's Comments:

Mr. Ed Parks, attorney, was present for the applicant and agreed with the Staff Recommendation.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-2.

Lot 12, Southlawn Addition, AKA 1333 East 60th Street, Tulsa County, Oklahoma.

Z-5672 (continued)

with 27-35 units. The architectural plans are not complete, but he presented a pamphlet showing proposed house designs and floor plan (Exhibit "B-2").

Protestant: Herbert Arst Address: 2441 East 73rd Place

Protestant's Comments:

Mr. Herbert Arst is the President of the Esplanade Condominiums Homeowner's Association. There are 66 units in the project which are above-average, quality homes. The Association objects to any development on the subject tract of this type because the density would be adjacent to the condominium project. The traffic situation is getting unbearable on Lewis and there are numerous elderly people living in the Esplanade complex. The Association would have no objection to a less dense building program.

Chairman Parmele asked the acreage on which the Esplanade Complex is built and the Staff estimated 15 acres. Commissioner Young wondered how many units could be built with an RS-2 zoning and Mr. Gardner replied 12 units with RS-2, 24 units with RM-0, an average of 50 with RM-1 zoning and more than 70 with RM-2.

Interested Party: Charles Norman representing Address: 909 Kennedy Bldg.
Oral Roberts University

Interested Party's Comments:

Charles Norman was present as an interested party representing Oral Roberts University, which has developed lands in the neighborhood to a very intense degree. It has not been their intention to protest other developments; however, Mr. Norman was asked to express the University's concern about the density that would be permitted under RM-2 or RM-1.

Applicant's Comments:

Mr. Parks pointed out the traffic problem addressed by Mr. Arst would be reduced, since the entrance to the Esplanade Condominiums is on Lewis and the entrance to the proposed project would be from 75th Street. The request for RM-2 is not for the volume of units, but due to the 10-foot requirement for the back and side yards. The RM-0 and RM-1 have 20-foot requirements. He stressed again these would be quality homes.

Commissioner Young stated he could not support more density than RS-3. Chairman Parmele asked if RM-2 could be found within the Comprehensive Plan and Mr. Gardner replied in the negative. Anything less than RM-2 may be found in accordance with the Plan. The density should not be increased due to the drainage problem. If the applicant needs relief for the setback requirements, he could file a Planned Unit Development application.

Chairman Parmele agreed with a less dense zoning, perhaps RM-0. Commissioner Petty explained that many times protestants complain about the traffic situation and he did not feel this is usually a valid reason to deny a zoning; however, the traffic problems in this area is intense.

MOTION was made by YOUNG, SECONDED by PETTY, to deny this application.

Instruments Submitted: 10 Pictures showing the subject property (Exhibit "B-1")
Pamphlet of House Designs (Exhibit "B-2")

3.10.82:1398(14)

Z-5672 (continued)

Special Discussion for the Record:

Commissioner Higgins wondered if an RM-0 zoning with a PUD could give the applicant the relief needed for the 10-foot setback requirement. Mr. Gardner explained a PUD with RD zoning would enable the applicant to develop the project. Commissioner Higgins then asked Mr. Parks if the RD zoning would suffice if he applied for a PUD and he replied they would be willing to pursue the PUD. Mr. Gardner stated an RD zoning would allow 10 units per acre.

SUBSTITUTE MOTION was made by HIGGINS to approve RD zoning with the understanding that a PUD would be forthcoming.

Mr. Parks questioned if RM-T would be appropriate and Mr. Gardner replied the difference is 2 units per acre, a townhouse plat would have to be filed with RM-T zoning and each unit would have to have an individual lot.

SUBSTITUTE MOTION was seconded by HOLLIDAY.

Commissioner Petty spoke against the motion because it would not change what the applicant asked for, merely change something on paper and would not accomplish anything. Chairman Parmele was in favor of the substitute motion due to the existing duplexes for two blocks to the east. If the application is denied, the tract would remain RS with commercial on one side and existing RD on the other side.

Commissioner Higgins explained the RM-2 would allow a much greater density than RD zoning and the Commission is not assured this project will be built. An RD zoning would be an assurance that only this number of units would be built.

Commissioner Young stated the development to the north was built with RS-3 zoning and if this tract is developed under RS-3, only 12 units would be allowed. The RD zoning would allow more than twice as many units. The Staff has spoken against a more intense zoning.

On SUBSTITUTE MOTION of HIGGINS, the Planning Commission voted 4-3-0 (Higgins, Holliday, Parmele, Rice, "aye"; Kempe, Petty, Young, "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RD, subject to the filing of a Planned Unit Development application:

Lot 1, Block 1, Southern Hills Estates, a Resub. of Blocks 1-3, Lavelle Heights, Tulsa County, Oklahoma.

Z-5673 (continued)

Commissioner Higgins was concerned with having OM or OL with the residential surrounding. She suggested leaving a 5-foot strip on three (3) sides of the tract. Mr. Gardner thought a 5-foot strip would just be a place where the weeds would grow. If the screening fence is built on the property line on the north and south, there would be no dead space. A 5-foot strip could be left on the west side. They could build the screening fence on the RS portion, if they went to the Board of Adjustment.

Instruments Submitted: 2 Pictures, 1 of present building and 1 of activity that would take place (Exhibit "C-1")

TMAPC Action: 7 members present.

On MOTION of RICE, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL, EXCEPT for a 5-foot strip on the north, west and south to remain RS-3, requiring a Board of Adjustment application to build the screening fence on the property line:

The South-Half of Lot 2, Block 5, Conservation Acres, in Tulsa County, Oklahoma.

Application No. 5674
Applicant: Broach (Woodland Park Homes)
Location: 5700 Block (east side) Memorial Boulevard

Present Zoning: RS-3
Proposed Zoning: OL

Date of Application: January 29, 1982
Date of Hearing: March 10, 1982
Size of Tract: 1 acre, more or less

Presentation to TMAPC by: David E. Borach
Address: 111 West 5th Street - 74103 Phone: 582-1812

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- 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 subject tract is located just north of the northeast corner of East 57th Place South and Memorial Drive. The tract is vacant and 5 to 10 feet below the grade of Memorial Drive. It is abutted by a nursing home on the north and developed single-family subdivisions on the east, south, and west. The tract is zoned RS-3, as is all the surrounding properties and the applicant is requesting OL zoning.

The subject tract is designated Low Intensity -- Residential and the OL District is not in accordance with the Plan Map. However, the tract has several unique on-and off-site features which the Staff feels supports the requested zoning. First, the Tract is several feet below the grade of Memorial Drive and could have drainage problems making it difficult to develop in a residential use. Second, it is adjacent to a nursing home which is also a nonresidential use of land approved by the Board of Adjustment. Third, the configuration of the site would make it difficult to develop in a low intensity residential manner. Fourth, there are two existing OL zoned tracts close to this tract.

Therefore, the Staff feels that the OL District can be supported because it is a low intensity district which is consistent with the Plan designation for low intensity and that the physical features of the tract override the residential designation and support a low intensity office use.

Given these facts, the Staff recommends APPROVAL of the requested OL zoning.

Applicant's Comments:

The applicant was present but had no comments.

Protestants: None.

TMAPC Action: 7 members present.

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

Z-5674 (continued)

Commencing at the Northwest corner of the SW/4 of Section 36, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence Due East along the North line of said SW/4 a distance of 35.00'; thence South $00^{\circ}-08'-25''$ East and parallel with the West line of said SW/4 a distance of 205.00'; thence Due East a distance of 10.00'; thence South $00^{\circ}-08'-25''$ East a distance of 45.00' to the point of beginning; thence Due East a distance of 332.21'; thence South $44^{\circ}-09'-54''$ West a distance of 0.89'; thence South $34^{\circ}-21'-49''$ West a distance of 479.64'; thence Due West a distance of 44.88'; thence North $00^{\circ}-08'-25''$ West a distance of 5.00'; thence Due West a distance of 10.00'; thence North $00^{\circ}-08'-25''$ a distance of 125.00'; thence Due West a distance of 5.00'; thence North $00^{\circ}-08'-25''$ West a distance of 266.57' to the point of beginning, containing 1.77 acres, more or less.

Application No. Z-5675 Present Zoning: RS-3
Applicant: Bates (Lippincott) Proposed Zoning: IL
Location: NE corner of 48th Street and South Mingo Road

Date of Application: January 29, 1982
Date of Hearing: March 10, 1982
Size of Tract: 1 acre, more or less

Presentation to TMAPC by: J. S. Bates
Address: P. O. Box 54085 - 74155 Phone: 663-2723

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located on the northeast corner of East 48th Street South and Mingo Road. It is vacant, as is the tracts to the north and south. It is abutted by a residence and lumber yard on the east and by retail commercial on the west. The property to the east and west are zoned IL, while the properties to the north and south are zoned RS-3. The tract is zoned RS-3 and the applicant is requesting IL zoning.

The subject tract is designated Special District 1 and the requested IL zoning may be found in accordance with the Plan Map if the physical facts of the surrounding area can support its use.

Given the facts, the tract is adjacent to large areas of IL or IM zoning, is designated for industrial development, and is located on a major arterial road, the Staff recommends APPROVAL of the requested IL zoning.

Applicant's Comments:

The applicant was present but had no comments.

Protestants: None.

TMAPC Action: 7 members present.

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

Lots 13, 14, 15, 16, 17, 18, 19, 20, & 21, Block 25, Alsuma Addition to the City of Tulsa, Oklahoma.

OTHER BUSINESS:

PUD #126 - Minor Amendment - Site Plan Review - Lot 15, Block 1, Brighton Oaks Addition

The applicant is requesting site plan approval for Lot 15, Block 1, Brighton Oaks Addition and a minor amendment to permit the roof of the single-family dwelling to encroach into the required yards in three instances. The main structure is within the required setbacks; however, the roof line of the structure encroaches in the following instances:

- (1) A small corner of the roof overhang encroaches three (3) feet into the required 50-foot front yard.
- (2) The roof overhang encroaches 5' & 4" into the required 15-foot side yard.
- (3) The porte cochere encroaches 20 feet into the required 35-foot rear setback.

The accessory building (lawn equipment) is permitted within 10 feet of the property line if detached from the main structure. The accessory building is located 19' & 4" from the property line, but is attached by the roof, which forms the porte cochere.

The Staff believes the encroachments are minor in nature, and therefore, we recommend APPROVAL of the Site Plan as submitted.

TMAPC Action: 7 members present:

On MOTION of HOLLIDAY, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to approve the Site Plan as submitted, per Staff Recommendation.

PUD #216 - Minor Amendment - Lot 15, Block 1, Brighton Oaks Addition

Request to amend the Restrictive Covenants to permit minor modifications in the lot size, yard and building setback requirements upon review and approval of a detailed site plan by the TMAPC; and a minor amendment to delete any use restrictions pertaining to the closed portions of the natural drainageway and detention area easements.

Minor modifications to approved PUDs is provided for under Section 1170.7 of the Tulsa Zoning Code so long as substantial compliance of the Plan is maintained. This practice is quite common and we consider it appropriate for PUD #216 and especially when so stated in the Restrictive Covenants.

The drainage conditions and detention areas are no longer needed by the City in Brighton Oaks because off-site detention has been provided. Therefore, the Staff has no concern about amending the Covenants to delete any such references.

Based on these findings, the Staff recommends APPROVAL of *PUD #216 as submitted and attached hereto.

*Of the amendments to the Covenants of PUD #216.

A203

PUD #216 - Minor Amendment (continued)

Mr. Linker advised he has reviewed this request and recommends approval.

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to approve the amendments to the Covenants of PUD #216.

PUD #127 Charles Norman - Collegiate Square - Minor Amendment

Staff Recommendation:

The applicant is requesting approval of a minor amendment to Planned Unit Development #127 to provide that Lots 9, 10, 11 and 12, Block 4, Collegiate Square may be split into two lots after the construction of attached single-family dwelling units.

The Staff has reviewed this request and found that duplex units are permitted in this development area of PUD #127 and that each lot would require an additional approval of the TMAPC, per the Subdivision Regulations. Therefore, the Staff recommends APPROVAL of this minor amendment; provided that no lot-split occur unless the units are completed or under construction (slab floor and plumbing completed).

TMAPC Action: 7 members present.

On MOTION of RICE, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to approve this Minor Amendment to PUD #127, Collegiate Square Addition, subject to the conditions set out in the Staff Recommendation.

PUD #250 - John Moody - Rustic Meadows - Minor Amendment

Staff Recommendation:

Planned Unit Development 250, Rustic Meadows, is located west of Memorial Drive on the north side of East 81st Street South. The applicant is requesting a 2-foot encroachment easement on the adjoining common areas at 16 different locations, per Site Plan submitted. The reason for the requested easements is to allow for brick veneer and roof overhangs onto the adjoining common areas.

The Staff feels that this would not impede the use of the common areas and would be minor in nature. However, the Staff does have a concern about impeding the use of paved access areas and would not recommend these easements extended over paved access areas.

Therefore, the Staff recommends APPROVAL of the minor amendment, except where these easements might extend over paved access areas.

Mr. Gardner advised there is room to put the paving strip in between, but the Staff is recommending it not be included all the way up to the house.

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Higgins, Holliday, Kempe, Parmele, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Inhofe, "absent") to approve this minor amendment to PUD #250, Rustic Meadows, subject to the conditions set out in the Staff Recommendation.

PUD #276 - Charles Norman (Mid-America) North and East of East 41st Street
and South Hudson Avenue

The Chair, without objection, tabled this item.

Date Approved

April 7, 1972



Chairman

ATTEST:



Secretary